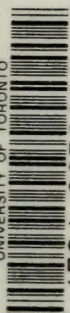


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A HISTORY OF DIPLOMACY  
IN THE  
INTERNATIONAL DEVELOPMENT  
OF EUROPE

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VOLUME I.

THE STRUGGLE FOR UNIVERSAL EMPIRE



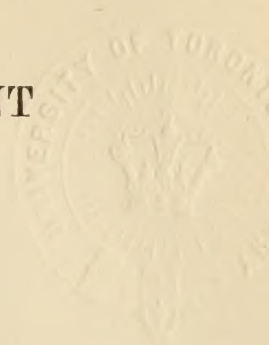
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A HISTORY OF DIPLOMACY  
IN THE  
INTERNATIONAL DEVELOPMENT  
OF EUROPE

BY  
DAVID JAYNE HILL, LL.D.


VOLUME I.  
THE STRUGGLE FOR UNIVERSAL EMPIRE  
WITH MAPS AND TABLES

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TO  
MY BELOVED WIFE  
JULIET LEWIS PACKER HILL  
THESE VOLUMES  
INSPIRED BY HER INTELLECTUAL SYMPATHY AND PROMOTED  
BY HER LOVING CARE  
ARE AFFECTIONATELY DEDICATED



## PREFACE

**A**LTHOUGH special questions and particular periods of diplomatic history have been carefully studied and ably discussed by historical writers, it is a noteworthy fact that no general history of European diplomacy exists in any language.

A history of diplomacy properly includes not only an account of the progress of international intercourse, but an exposition of the motives by which it has been inspired and the results which it has accomplished. But even this statement does not fully express the scope of such a history; for an intelligent discussion of the subject must include also a consideration of the genesis of the entire international system and of its progress through the successive stages of its development. Thus regarded, it becomes apparent that the whole fabric of present international relations is the result of past diplomatic activity.

Two practical problems have presented themselves in the execution of this work. The first has arisen from the enormous field of research now offered by the archives of European governments and the necessity of fixing definite limits to the plan of treatment. The rich harvest already gleaned by the labors of special investigators greatly facilitates a task which would have been impossible twenty-five years ago, and now seems to invite a general synthesis of the results attained. It is, in truth, in the wealth of materials that a writer on diplomatic history finds his chief embarrassment. With the conviction that history is of value in proportion as it affords explanation, it has seemed best to adhere closely to the main current of causality in the de-

velopment of the existing system of European relations. It is, accordingly, as the title indicates, the history of diplomacy only as related to the international development of Europe as a whole, which constitutes the subject of the present work. Negotiations, treaties, and conventions that fall outside of these lines, however important they may be to the diplomatic history of particular countries, possess but little general interest; but, by adhering to events of European importance, it is possible to thread the diplomatic labyrinth without confusion and to present the results of investigation within reasonable limits.

A second problem in the preparation of this work has been to determine the proper point of departure. It is customary to regard the Congress and Peace of Westphalia as the starting-point of European diplomacy, but this is principally due to the fact that so little has been known of earlier diplomatic activity. The truth is, that the Congress and Peace of Westphalia, while furnishing the international code of Europe, were the fruits of a long period of preparation whose movements provide the only key to the meaning of that code. It is necessary, therefore, if one would thoroughly comprehend the diplomacy of modern times, to return to the real point of origin of those elements which together constitute the present public law and international usages of Europe, and to trace their development step by step down to the period of their final organization as a system.

The adequate execution of this plan requires a long and serious investigation, and cannot be discharged with mere summary statements or rapid generalizations; for the present international organization of the world strikes its roots deep into the past, and has been determined by a multitude of confluent streams of influence. Europe, in particular, is still largely governed by its memories; and to master the history of European diplomacy is to dispel the illusion that the present relations of civilized states are fortuitous, arbitrary, or changeable at will.



It is, perhaps, at present worth the effort to point out the fact that the fixed legal and conventional relations between modern states are as firmly grounded in public needs and fundamental principles as the constitutions of the different countries which compose the international system. It is true that force has been a determining element in the conflicts of nations, as it is in the maintenance of civil order within the State; but it is not mere aimless or undirected force that has produced the present international system. On the contrary, it is due to the gradual perception of the conditions on which human governments can be permanently based. It is the result of reasoned policy and deliberately formed conventions in restraint of force,—the triumph of statesmanship and diplomacy, not shaped and determined by military action, but controlling the movements of armies and navies whose coercive powers are put in action only by decisions reached after deliberation at the council board.

More than any other form of history, perhaps, that of diplomacy brings into prominence in its plenitude the psychological element, the constructive value of human plan and purpose. It reveals the mind of an individual, or the sagacity of a group of statesmen, grasping the conditions of a situation in which vast combinations of force may be thwarted by other combinations, and the interests of a nation, or of civilization itself, secured by a sound public policy.

In a pre-eminent degree this form of history discloses the evolution of progressive ideals, not in the form of abstract theories, but in the concrete connections of practical experience; thus furnishing to the political philosopher a broad and fertile field of observation and induction. Exposing in the process of elaboration the efforts of great minds to solve the large problems of international peace, it becomes a useful discipline in correcting the illusions of the visionary philanthropist and in forming the mind of the statesman.

The present volume, on "The Struggle for Universal Empire," and the following, on "The Establishment of Territorial

Sovereignty," may be regarded as indicating the foundations of modern diplomacy. They trace the tragic history of the rise and conflict of two great international institutions, the Empire and the Papacy, the defeat of their ambitions, and the development of modern national states. In future volumes it is intended to consider the Diplomacy of the Age of Absolutism, of the Revolutionary Era, of the Constitutional Movement, and of Commercial Imperialism, thus bringing the history of international development down to the present time. Each volume, however, is intended to be for the period which it covers a complete work in itself.

An effort has been made to render the text of use and interest to the general reader. For the benefit of those interested in the sources from which the materials have been derived, or who may wish to make a more detailed examination of special questions, a list of authorities, documentary and literary, with suggestions and comments, has been appended to each chapter. The bibliography is intended, however, to be a selection rather than an inventory, and has been constructed with the purpose of indicating the works consulted and likely to prove most useful for reference.

No pains have been spared to provide such historical maps and tables as may be needed to throw light upon the text and to resolve questions of geography and chronology. A chronological list of treaties and other public acts and a separate index have been added to each volume.

The author takes this occasion to express to all the numerous persons, private and official, at Washington, Paris, The Hague, Rome, Berne, Geneva, and elsewhere, who have courteously aided him, the sincere thanks which it would require many pages to acknowledge to each according to the nature of the service rendered.

DAVID JAYNE HILL.

GENEVA, SWITZERLAND,

February 1, 1905.

# CONTENTS OF VOLUME I

## CHAPTER I.—THE ORGANIZATION OF EUROPE UNDER THE EMPIRE

	Page
The transformation of Europe . . . . .	1
I. EUROPE UNDER THE ROMAN EMPIRE	
The unity of Europe . . . . .	1
Extent of the Roman Empire . . . . .	2
The imperial power . . . . .	3
The Emperor as military chief . . . . .	4
As first magistrate . . . . .	4
As legislator . . . . .	5
As appointing power . . . . .	5
As <i>pontifex maximus</i> . . . . .	5
Decadence of the Senate . . . . .	5
The Emperor's instruments of government . . . . .	6
The cities . . . . .	7
The provinces . . . . .	7
The provincial assemblies . . . . .	7
The social classes . . . . .	8
<i>Jus fetiale</i> . . . . .	8
Foreign envoys in the "Grecostasis" . . . . .	11
<i>Jus gentium</i> . . . . .	12
<i>Jus naturae</i> . . . . .	13
<i>Jus civile</i> . . . . .	13
The qualities of the Roman law . . . . .	14
<i>Pax Romana</i> . . . . .	15
The monarchy made absolute . . . . .	15
The removal of the capital and division of the Empire . . . . .	16
The social crisis . . . . .	17
Degeneration of the Empire . . . . .	17
Roman religion . . . . .	18
The Christianization of the Empire . . . . .	19
The Edict of Milan . . . . .	19
The influence of Christianity upon the Empire . . . . .	21
Organization of the Church . . . . .	22

## II. THE BARBARIAN INVASIONS

	Page
The Barbarian world . . . . .	23
The tribes of the North . . . . .	23
The German infiltration . . . . .	23
Public policy regarding the barbarians . . . . .	24
The internment of captives . . . . .	26
The <i>coloni</i> . . . . .	26
The degeneration of the army . . . . .	27
The <i>foederati</i> . . . . .	27
The ambitions of the barbarians . . . . .	28
The Gothic invasions . . . . .	29
Invasions of Radigaisus and Alaric . . . . .	30
The fall of the Empire in the West . . . . .	30

III. THE RELATIONS OF THE BARBARIAN KINGDOMS  
TO THE EMPIRE

The embassy of Odoacer to Zeno . . . . .	31
Odoacer's administration . . . . .	32
Significance of the transition . . . . .	33
The imperial idea . . . . .	33
The barbarian kingdoms . . . . .	34
Theodoric the Goth . . . . .	35
The diplomatic relations of Theodoric . . . . .	36
Diplomatic usages of the barbarian kings . . . . .	38
The seeds of future nationalities . . . . .	41
The reign of Justinian . . . . .	42
Codification of the Roman Law . . . . .	43
The Greek character of the Eastern Empire . . . . .	44
Authorities . . . . .	46

CHAPTER II.—THE REVIVAL OF THE EMPIRE  
IN THE WEST

The influence of the Church . . . . .	49
---------------------------------------	----

## I. THE RELATION OF THE BARBARIANS TO THE CHURCH

The Goths . . . . .	49
The rise of the Papacy . . . . .	50
The struggle for primacy . . . . .	50
Need of a defender of the faith . . . . .	51
The Franks . . . . .	51
The conversion of Clovis . . . . .	52

# CONTENTS

xiii

Page

The rejoicing of the Church . . . . .	53
The significance of the event . . . . .	53
Clovis honored by the Emperor . . . . .	54
The mission of the Franks . . . . .	55
The internal development of the Frankish monarchy . . . . .	55
The Lombards in Italy . . . . .	57
The state of Italy after the Lombard occupation . . . . .	58
The spread of monasticism . . . . .	58

## II. THE REUNIFICATION OF EUROPE BY THE CHURCH

The growth of the Papacy . . . . .	59
The administration of Gregory the Great . . . . .	60
The papal missions . . . . .	61
The conversion of Great Britain . . . . .	62
The conquests of the Arabs . . . . .	63
The relations of the Pope and the Emperor . . . . .	63
The conflict between the Emperor and the Pope . . . . .	64
The ambition of Liutprand . . . . .	65
The diplomacy of Gregory II . . . . .	65
The independence of Gregory III . . . . .	67
The policy of Gregory III . . . . .	68
Gregory's alliance with the Duke of Spoleto . . . . .	68
Gregory's solution of his problem . . . . .	69
The decay of the Merovingian dynasty . . . . .	70
The work of Pippin the Younger . . . . .	71
The victories of Charles Martel . . . . .	71
The work of St. Boniface for the Papacy . . . . .	73
The policy of Boniface . . . . .	74

## III. RISE OF THE EMPIRE OF CHARLES THE GREAT

The policy of Pope Zacharias . . . . .	75
The renunciation of Carloman . . . . .	76
Pippin becomes king . . . . .	77
The triumph of Boniface . . . . .	78
The new peril of the Papacy . . . . .	78
The negotiations of Stephen II . . . . .	79
Stephen's journey to Pavia . . . . .	80
The Franco-papal alliance . . . . .	80
Negotiations between Pippin and Astolf . . . . .	81
The siege of Rome by Astolf . . . . .	83
The illusions of the Emperor . . . . .	84
The temporal sovereignty of the Pope . . . . .	84
The growing independence of Rome . . . . .	85



	Page
Anarchy at Rome . . . . .	87
Alliance of Stephen III with Desiderius . . . . .	88
The marriage of Charles and Desiderata . . . . .	88
The diplomacy of Adrian I with Charles . . . . .	89
The descent of Charles into Italy . . . . .	90
The wars and conquests of Charles . . . . .	91
The invisible empire . . . . .	92
The flight of Leo III . . . . .	93
The reinstatement of Leo III . . . . .	94
The coronation of Charles as emperor . . . . .	95
Authorities . . . . .	96

### CHAPTER III.—THE EMPIRE UNDER THE CARLOVINGIANS

The significance of the coronation of Charles the Great . . .	99
---	----

#### I. THE GENESIS AND THEORY OF THE CARLOVINGIAN EMPIRE

The views of Charles . . . . .	99
The premonitions of the coronation . . . . .	100
The betrothal of Rothrude and Constantine VI . . . . .	102
The Council of Nicaea and the diplomatic rupture . . . . .	104
The embarrassment of Adrian I . . . . .	105
Leo's motive for the coronation . . . . .	106
The triumph of Leo . . . . .	108
Conflict between Rome and Constantinople . . . . .	109
The proposed marriage of Charles and Irene . . . . .	109
Rival claims to the Empire . . . . .	110
The legality of the Roman investiture . . . . .	111
The acceptance of the Empire by Charles . . . . .	113
The new administration in the West . . . . .	113
Character of the Empire . . . . .	114
The relations of the Empire and the Papacy . . . . .	115

#### II. THE EMPIRE OF CHARLES THE GREAT

The realm of Charles the Great . . . . .	117
The organization of the Empire . . . . .	118
Relations between the East and the West . . . . .	119
The transfer of influence to the West . . . . .	120
Physical separation of the two realms . . . . .	121
The conflict for Venice and the Adriatic . . . . .	121
The tendency toward feudality . . . . .	122

## CONTENTS

	xv Page
The partition of 806 . . . . .	123
Views of Charles on the nature of the Empire . . . . .	124
The Treaty of Peace with Byzantium . . . . .	125
The death of Charles the Great . . . . .	127

### III. THE DISMEMBERMENT OF THE EMPIRE OF CHARLES THE GREAT

The coronation of Lewis the Pious . . . . .	127
The "Donation of Constantine" . . . . .	128
Policy of Lewis toward his sons . . . . .	129
The later partitions of the Empire . . . . .	130
Lothair Emperor . . . . .	131
The Oath of Strasburg . . . . .	131
The Treaty of Verdun . . . . .	132
The Carolingian confraternity . . . . .	134
The new invasions . . . . .	135
The development of feudalism . . . . .	135
The situation of the Emperor . . . . .	136
The partition of Lothair's territories . . . . .	137
The rescue of France by the bishops . . . . .	138
The Peace of Coblenz . . . . .	139
The diplomacy of Lothair II . . . . .	140
The policy of Hincmar . . . . .	141
The conferences of Savonnières . . . . .	142
The triumph of Nicholas I . . . . .	143
The partition of Mersen . . . . .	144
The imperial and papal protests . . . . .	145
The schemes of the Empress Engelberga . . . . .	146
The imperial succession . . . . .	147
Coronation of Charles the Bald as emperor . . . . .	149
The struggle for the Rhine frontier . . . . .	150
The disillusionment of Charles the Bald . . . . .	151
Charles the Fat becomes emperor . . . . .	151
The general dissolution . . . . .	152
Authorities . . . . .	153

### CHAPTER IV. — THE HOLY ROMAN EMPIRE OF THE GERMAN NATION

The transfer of the Empire to the Germans . . . . .	156
---	-----

#### I. THE STATE OF ITALY BEFORE THE TRANSFER

The antagonism between Rome and the Empire . . . . .	156
The Constitution of 824 . . . . .	157

	Page
The conflict of the Emperor and the Romans . . . . .	159
The obstinacy of the Romans . . . . .	160
The triumph and deception of Lewis II . . . . .	161
The discordant elements in Italy . . . . .	162
The advantage possessed by the Papacy . . . . .	162
The donation of Charles the Bald . . . . .	164
Efforts of John VIII to choose an emperor . . . . .	164
The double policy of John VIII . . . . .	166
Negotiations with Charles the Fat . . . . .	167
Relations of John VIII with Byzantium . . . . .	168

## II. THE BUILDING OF THE GERMAN NATION

The state of Germany in 888 . . . . .	169
The phantom popes and emperors . . . . .	170
The task of Conrad I . . . . .	170
Election of Henry I . . . . .	171
The policy of Henry I . . . . .	171
The accession of Otto I . . . . .	172
Otto's policy of expansion . . . . .	173
Otto's utilization of the Church . . . . .	174
Otto's discovery of his limitations . . . . .	175
The state of Italy under the phantom emperors . . . . .	176

## III. — THE RESTORATION OF THE EMPIRE BY THE GERMANS

Otto's first expedition to Italy . . . . .	177
Otto's second expedition to Italy . . . . .	178
Otto's compact with John XII . . . . .	179
The significance of this compact . . . . .	181
Otto's confiscation of the Papacy . . . . .	182
The Empire of Otto the Great . . . . .	183
Liutprand's mission to Byzantium . . . . .	183
Liutprand's report of his mission . . . . .	183
The marriage of Otto II and Theophano . . . . .	186
The last days of Otto the Great . . . . .	187
Condition of the Empire at the death of Otto I . . . . .	188
The efforts of Otto II . . . . .	188
The ideals of Otto III . . . . .	189
The partnership of Otto III and Sylvester II . . . . .	190
The collapse of Otto's power . . . . .	191
Authorities . . . . .	192

## CHAPTER V.—THE CONFLICT OF THE EMPIRE AND THE PAPACY

Abasement of the Empire and the Papacy . . . . .	Page 194
--	-------------

### I. THE REBUILDING OF THE EMPIRE

The reign of Henry II . . . . .	195
The election of Conrad II . . . . .	196
Conrad's policy with the nobles . . . . .	197
Conrad's coronation as emperor . . . . .	198
Conrad's consolidation of his power . . . . .	198
The accession of the Kingdom of Burgundy . . . . .	199
The kingship of Henry III . . . . .	199
Henry's efforts for peace . . . . .	200
The degradation of the Papacy . . . . .	201
Henry's work in Italy . . . . .	202

### II. THE REGENERATION OF THE PAPACY

The influence of Cluny . . . . .	203
The relation of Henry III to the doctrines of Cluny . . . . .	204
The battle with the Normans and negotiations with the East . . . . .	205
The failure of Leo's diplomacy in the East . . . . .	206
The reception of ambassadors at Constantinople . . . . .	207
The court ceremonial . . . . .	208
The Byzantine embassies . . . . .	209
The schism of East and West rendered final . . . . .	209
Death of Henry III and rise of Hildebrand . . . . .	210
The rescue of the Papacy by Hildebrand . . . . .	211
The election of the Pope confided to the College of Cardinals . . . . .	212
The alliance with the Normans . . . . .	213
The recovery of papal control in Lombardy . . . . .	213
The rivalry of Alexander II and Honorius II . . . . .	214
Hildebrand becomes pope as Gregory VII . . . . .	215

### III. THE STRUGGLE FOR SUPREMACY

Theory of the Holy Roman Empire . . . . .	216
The attitude of Gregory VII . . . . .	217
Significance of the imperial office . . . . .	218
The investiture controversy . . . . .	221
The humiliation of Henry . . . . .	223
The administration of Gregory . . . . .	224
Civil war in Germany . . . . .	225
Embarrassment of Gregory . . . . .	226

	Page
Henry's campaign against the Pope in Italy . . . . .	228
Henry's negotiations with the Romans . . . . .	230
The coronation and triumph of Henry IV . . . . .	231
The deliverance of Gregory VII . . . . .	231
The death of Gregory VII . . . . .	232
The extent of Gregory's pretensions . . . . .	233
The breadth of Gregory's policy . . . . .	234
The fall of Henry IV . . . . .	234
The work of Urban II . . . . .	235
The first crusade . . . . .	237
The transaction of Paschal II . . . . .	239
The coronation of Henry V . . . . .	241
The extortion of the crown by Henry V . . . . .	242
Paschal's repudiation of his compact . . . . .	243
The diplomacy of Calixtus II . . . . .	244
The intellectual <i>renaissance</i> . . . . .	245
The Concordat of Worms . . . . .	246
The triumph of the Papacy . . . . .	247
Authorities . . . . .	248

## CHAPTER VI.—THE AWAKENING OF CIVIC CONSCIOUSNESS IN ITALY

The transitional character of the twelfth century . . . . .	250
---	-----

### I. THE EMANCIPATION OF THE ITALIAN CITIES

The cities under the Roman Empire . . . . .	251
The Christian communities . . . . .	252
Effects of the Lombard conquest . . . . .	254
The Italian cities under the Empire of Charles the Great . . . . .	254
The feudal origin of the communes . . . . .	255
The transformation of the cities . . . . .	256
The imperial charters . . . . .	257
The character of the charters . . . . .	258
The political significance of the cities . . . . .	258
The influence of Roman law on the Lombard cities . . . . .	260
The cities of Tuscany . . . . .	261
The Republic of Venice . . . . .	262

### II. THE RELATIONS OF THE ITALIAN CITIES TO THE EMPIRE AND THE PAPACY

The independent attitude of the Lombard cities . . . . .	263
The pretensions of Milan . . . . .	264
The general confusion in Italy . . . . .	264
The appeal to Bernard of Clairvaux . . . . .	266



## CONTENTS

xix

	Page
The mission of Bernard . . . . .	267
The work and death of Lothair . . . . .	268
Guelf and Ghibelline . . . . .	269
Election of Conrad III and abandonment of Italy to the Papacy . . . . .	270
Civilizing agency of the Church . . . . .	271
The revival of the Roman Republic . . . . .	272
Arnold of Brescia . . . . .	273

### III. THE CONFLICT OF FREDERICK I WITH THE LOMBARD CITIES

The election of Frederick I . . . . .	276
Frederick's compact with Eugenius III . . . . .	276
The interdict of Adrian IV . . . . .	277
Negotiations preliminary to Frederick's coronation . . . . .	279
The club of Hercules . . . . .	280
The coronation of Frederick I . . . . .	281
The projects of Frederick I . . . . .	281
The diplomacy of Adrian IV . . . . .	283
The Besançon incident . . . . .	283
Conflicting claims of the Pope and the Emperor . . . . .	285
Defection of the Romans and death of Adrian IV . . . . .	286
Frederick's appeal to Roman law . . . . .	287
The general surrender and the revolt of Milan . . . . .	289
The destruction of Milan . . . . .	290
Alexander III and the Lombard League . . . . .	291
Fidelity of the allies and building of Alexandria . . . . .	293
The armistice of Montebello . . . . .	293
Frederick's diplomacy of obstruction . . . . .	294
The Congress of Venice . . . . .	295
The proficiency of Venice in diplomacy . . . . .	296
The choice and reception of ambassadors . . . . .	297
The procedure of the Congress of Venice . . . . .	298
The surrender of Frederick . . . . .	300
Results of the Truce of Venice . . . . .	302
The Peace of Constance . . . . .	303
The close of Barbarossa's reign . . . . .	304
Authorities . . . . .	306

## CHAPTER VII.—THE DEVELOPMENT OF ITALIAN DIPLOMACY

The revived passion for dominion . . . . .	308
--	-----

### I. THE DOMINATION OF THE PAPACY UNDER INNOCENT III

The plans of Henry VI for a world-monarchy . . . . .	309
Henry's methods of procedure . . . . .	310

	Page
The death of Henry and revolt of Tuscany . . . . .	311
The Tuscan League . . . . .	312
The operation of the League . . . . .	313
The accession of Innocent III . . . . .	313
Innocent's theory of the Papacy . . . . .	314
Attitude of Innocent III toward the Tuscan League . . . . .	315
The Pope's negotiations between Pisa and the League . . . . .	316
The consolidation of papal power . . . . .	317
The nature of the papal monarchy . . . . .	318
The Papacy and the Empire . . . . .	319
Innocent's Italian diplomacy . . . . .	320
Innocent III and the fourth crusade . . . . .	322
The transactions with Venice . . . . .	323
"The Latin Empire of the East" and the expansion of Venice . . . . .	324
Innocent III as arbiter of the Empire . . . . .	325
The contest in Germany and coronation of Otto IV . . . . .	327
The rupture between Otto IV and Innocent III . . . . .	327
The conflict of Otto IV and Innocent III . . . . .	328
The triumphs of Innocent III . . . . .	329

## II. THE SUPREME STRUGGLE FOR THE EMPIRE

The attitude of Frederick II toward the Papacy . . . . .	331
The coronation of Frederick II . . . . .	333
The grounds of Frederick's policy . . . . .	334
Frederick's plan of organization . . . . .	335
The rupture with the Papacy . . . . .	336
The battle between pope and emperor . . . . .	338
Frederick's departure for the East . . . . .	338
Frederick's negotiations with the Saracens . . . . .	339
Frederick's treaty with the Saracens . . . . .	340
Frederick's coronation as King of Jerusalem . . . . .	341
The Peace of San Germano . . . . .	342
The conflict of principles . . . . .	343
The Emperor's war against the cities . . . . .	344
Negotiations for peace . . . . .	346
The deposition of Frederick II . . . . .	348
The attitude of the princes and the end of the struggle . . . . .	348

## III. THE ORGANIZATION OF DIPLOMACY IN ITALY

"The Great Interregnum" . . . . .	350
The policy of the Papacy . . . . .	351
The Electoral College of the Empire . . . . .	351
The state of Germany . . . . .	353

# CONTENTS

xxi

Page

The ambitions of Charles of Anjou . . . . .	353
The papal counter projects . . . . .	354
The "Sicilian Vespers" and the expulsion of the French . .	355
The field opened for diplomacy . . . . .	356
The internal condition of the city-states . . . . .	356
Expedients for external security . . . . .	357
Diplomacy becomes a system . . . . .	359
The equilibrium of Italy . . . . .	361
The birth of maritime law . . . . .	362
Authorities . . . . .	363

## CHAPTER VIII. — THE RISE OF NATIONAL MONARCHIES

The mediaeval kingdoms . . . . .	365
----------------------------------	-----

### I. THE GENERAL CAUSES OF POLITICAL CENTRALIZATION

The character of the feudal monarchies . . . . .	366
The feudal evolution . . . . .	367
The influence of the crusades . . . . .	368
Emancipation from servitude . . . . .	369
The Third Estate . . . . .	370
Growth of the cities . . . . .	371
The path to liberty opened . . . . .	372
The fiscal basis of military power . . . . .	373
The universities . . . . .	374
The revival of Roman law . . . . .	374
Royal justice . . . . .	376
The kings and the nobility . . . . .	377
The orders of nobility . . . . .	378
The kings and the Papacy . . . . .	379

### II. THE EXPANSION OF THE KINGDOMS

The beginnings of France . . . . .	380
The Norman conquest . . . . .	381
The insular character of Great Britain . . . . .	381
The possessions of Henry II on the continent . . . . .	382
The position of Henry II . . . . .	383
The progress of the French monarchy . . . . .	383
The <i>entente</i> between England and France . . . . .	384
The fall of the Angevin power in France . . . . .	385
The Peace of 1259 . . . . .	386
The real nature of the peace . . . . .	388
The policy and influence of Louis IX . . . . .	389

	Page
The Spanish peninsula . . . . .	390
The restoration of Spain to Christendom . . . . .	391
The inheritance of Toulouse and the adventures of Philip III in Spain . . . . .	392
The policy of Philip IV . . . . .	393
The aggressions of Philip IV and war with Edward I . . . .	394

### III. THE CONSOLIDATION OF ROYAL POWER

The pontificate of Celestine V. . . . .	395
The policy of Boniface VIII . . . . .	396
The arrogance and reverses of Boniface VIII . . . . .	397
The Bull "Clericis Laicos" . . . . .	398
France and the Papacy . . . . .	399
The Bull "Unam Sanctam" . . . . .	400
The Pope and the Empire . . . . .	400
The outrage at Anagni . . . . .	401
The papal surrender . . . . .	402
The confiscation of the Papacy by France . . . . .	403
The Papacy at Avignon . . . . .	404
The reorganization of the monarchies . . . . .	406
Germany and the Empire . . . . .	407
The free cities of the Empire . . . . .	408
Origin of the Swiss Confederation . . . . .	409
The aspiration of Henry VII . . . . .	411
Dante's "De Monarchia" . . . . .	412
The expedition of Henry VII into Italy . . . . .	413
Henry VII at Rome . . . . .	414
Henry's coronation . . . . .	415
The last struggles of Henry VII . . . . .	416
Authorities . . . . .	418

### TABLES

I. A List of Roman Emperors and Bishops of Rome to the Fall of the Empire in the West, 27 B. C. to 476 A. D. .	421
II. Principal Rulers of Europe from the Fall of the Empire in the West to the Coronation of Charles the Great, 476 to 800 . . . . .	426
III. Principal Rulers of Europe during the Carolingian Period, 800 to 899 . . . . .	432
IV. A List of Emperors and Popes from 900 to 1313 . . . .	436
V. Kings of France, England, and Scotland from 1060 to 1313	441

TABLES — *Continued*

	Page
VI. The Spanish Monarchies from 1054 to 1313 . . . . .	442
VII. Chronological List of Treaties and other Public Acts, A. D. 259 to 1312 . . . . .	443
INDEX . . . . .	449

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 MAPS AT END OF VOLUME

- I. The Roman Empire at its Greatest Extent.
- II. The Barbarian Kingdoms established within the Roman Empire.
- III. The Empire of Charles the Great and the Partitions of 843, 870, and 888.
- IV. Central Europe about A. D. 1000, showing the Empire of Otto the Great.
- V. The Territorial Arrangement of Western Europe in 1185.





## CHAPTER I

### THE ORGANIZATION OF EUROPE UNDER THE EMPIRE

**I**T is of primary importance to the comprehension of the present political system of Europe to recall the fact that where we now behold independent and sovereign states, mutually recognized as co-equal in the family of nations, there once existed an empire of universal pretensions and falling little short of universal domination. From the fragments of that empire, broken and dismembered, have arisen the modern national states, founded upon the idea of territorial sovereignty and united in the maintenance of a system of international law and intercourse. The story of that transformation is a necessary preliminary to the full comprehension of European diplomacy; for not only was the formation of independent sovereign states an essential precondition of diplomatic activity in its modern sense, but the persistence of the imperial idea has created many of its most important problems. The history of modern Europe, regarded from a political point of view and broadly considered, is largely centred about the struggle between two ideas, that of imperial rule and that of territorial sovereignty. To understand thoroughly the character of that contest and the political development of Europe as a whole, it is necessary to comprehend the nature and influence of the imperial idea.

The transformation of Europe

#### I. EUROPE UNDER THE ROMAN EMPIRE

If, when measured by the whole of humanity, Europe seems, notwithstanding its diversity of races, languages, and interests, to possess a unity of its own, it is because the civil-

The unity of Europe

CHAP. I  
B. C. 30—  
A. D. 500

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ization of the different European nations was derived from the same original source and was received, in the main, through the same channels. In the period of the widest expansion of the Roman Empire one government extended over all that portion of Europe which had been reclaimed from primitive barbarism, and over that government presided at Rome one man, clothed with the attributes of an absolute master. Law, religion, and administration emanated from one centre and were directed toward one end. That centre was the imperial will, and that end its universal domination. From the Mediterranean to the North Sea and the British Isles, from the shores of the Atlantic to the confines of Asia, Europe was politically one. The history of every European country, excepting ancient Greece and the Germanic and Slavic lands of the North and the East, emerging from the dim traditions of mere tribal society, begins with the march of Roman legions and the rule of Roman laws. The imperishable memory of that ancient community of interests and the common inheritance of ideas and influences which have survived its dismemberment have played a large rôle in the subsequent development of Europe.

Extent of the  
Roman  
Empire

But the Roman Empire was more than a European state, it was an intercontinental power, holding sway over vast areas in Asia and Africa; a World Empire in which that ancient highway of nations, the Mediterranean, had become an inland waterway, and presiding over the destinies of men not only on the Rhine and the Danube, but on the Nile and the Euphrates. The boundaries of the Roman dominion, even before the fall of the Roman Republic, included all the lands of Western Europe between the Mediterranean and the German Ocean, together with the whole of the Italian and Grecian peninsulas, the greater part of Asia Minor, Syria, and a part of Northern Africa. The foreign policy of Rome, originating in the necessity of self-defence, had been stimulated under the Republic by the ambitions of Carthage and Macedonia to the conquest of the entire Mediterranean basin. With the advent of the Empire, whose territories had been

greatly augmented by Julius Caesar, it became necessary to confirm these new possessions; and this entailed upon Augustus, in order to defend Gaul against the Germans and to consolidate the East and the West, still further invasions and annexations. In pursuance of this policy, Raetia, Noricum, Pannonia, Illyricum, and Moesia were subjugated, carrying the imperial frontier to the Danube. Under Claudius the conquest of Britain, begun by Julius Caesar, was finally accomplished, and in 51 A. D. that island became a Roman province. Under Trajan Dacia was occupied, carrying the Empire beyond the Danube. In the East, Trajan also acquired Mesopotamia, but Hadrian, considering them useless to the Empire, renounced both Mesopotamia and Assyria; a course which Marcus Aurelius, notwithstanding his pacific disposition, afterward reversed on account of the attacks of the Parthians. The Empire reached the maximum of its territorial area under Trajan (98-117) about the beginning of the second century of our era. At that time all that part of Asia south of the Caucasus and the Black Sea, the entire seacoast of Northern Africa, all of Europe west of the Rhine and south of the Danube, with small regions east and north of those rivers, together with Britain and the islands of the Mediterranean, were included in its forty-four provinces. Its borders were almost coincident with the limits of civilization.

On account of the highly centralized organization of the Roman state under the Republic it was not difficult for Octavius Caesar, who assumed the titles *Imperator*, *Caesar*, and *Augustus*, to gather all the power into his own hands. All the attributes of the state, all the "majesty" of the Roman people, were centred in his person. The fundamental principle of Roman political existence in every period was the absolute sovereignty of the state. Its institutions were founded upon obedience, and submission was the primary law of citizenship. Derived theoretically under the Republic from the majesty of the people, the sovereign power, the *imperium*, lost nothing of its absolute character by the fact

The imperial  
power

CHAP. I  
B. C. 30-  
A. D. 500

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that it was confided to an individual. Herein lay the triumphant strength of the Roman organization. When, therefore, Augustus Caesar concentrated all the powers of the state in his own person the only innovation was in the personal centralization of power, not in its imperious quality. When, in later times, the ancient legal forms in which authority was exercised by the earlier emperors were disregarded, the people had become habituated to the exercise of power by an absolute master, whose will had become supreme, and the government assumed the character of an absolute despotism.

The Emperor  
as military  
chief

As military chief, the Emperor commanded the army and navy. He alone could levy and organize troops, or direct their operations in the imperial provinces. He appointed the officers, and the soldiers took an oath of allegiance to him and were paid by him. As head of the state, he not only commanded the military and naval forces when engaged in war, but could declare war, make peace, and conduct all negotiations with foreign powers. Although the Senate had, under the Republic, almost entire charge of foreign affairs, under the Empire it fell, in this as in other matters, to the rank of a mere advisory body, to be consulted or not at the Emperor's pleasure. Even the distinction between the "imperial" and the "senatorial" provinces — the former having originally been administered by the imperial legates and the latter by the proconsuls of the Senate — lost all practical importance, and the Emperor acquired the right to command the senatorial proconsuls also.

As first mag-  
istrate

As first magistrate, the Emperor was the highest appellate judge of the Empire. In both civil and criminal cases appeals were heard by him, either in person or by persons delegated by him for the purpose, the final decision resting always in his hands. The judicial powers originally possessed by the Senate were lost in the third or fourth century, and the imperial judges became the impersonation of the highest judicial authority, although a last appeal to the Emperor himself was not forbidden. The earlier trial by



jury gradually disappeared altogether, and trial by imperial officials — the *praefectus urbi* for Rome, the *praefectus praetorio* for the rest of Italy, and the provincial governors for the provinces — became universal.

CHAP. I  
B. C. 30—  
A. D. 500

Not only the interpretation of the law but both direct and indirect legislation were within the power of the Emperor. He could issue edicts, decrees, and rescripts which not only determined particular questions, but had the force of permanent ordinances. He had the right to convoke the Senate, to preside over it, to take part in its deliberations, to send written proposals of laws, and to demand the precedence of business proposed by him. Propositions emanating from him were promptly adopted without alteration as an act of courtesy, and were then considered as forming a part of the law of the Empire.

As legislator

The Emperor had, further, the right not only to pass upon the eligibility of candidates for the position of magistrate before their names were acted upon by the Senate, but many of the imperial officials were appointed directly by him without senatorial confirmation; such as the procurators of finance, the prefects of the city, the officers in command of the legions, and the governors of provinces. He often actually revised the list of senators, making removals at his discretion, and raising to senatorial rank men not strictly eligible to election.

As appointing  
power

As a member of the great priesthoods, and especially as *pontifex maximus*, the Emperor had the final supervision of all religious matters, — the naming of priests, the control of the temples, and the direction of everything pertaining to religion which could be of political importance. In addition, he possessed in the minds of the people the attributes of divinity itself, and was regarded as an object of worship even while alive, receiving at his death the title of *divus* and the honors of apotheosis.

As *pontifex*  
*maximus*

It is not surprising, when so much depended upon imperial favor, that the Senate, which had been the controlling power in the state, lapsed into the mere creature of the Emperor.

Decadence of  
the Senate

CHAP. I  
B. C. 30—  
A. D. 500

The local character of the popular assemblies left the Senate the sole legislative body of importance in the Empire, and its *consulta* had the force of law; but its authority had passed into the hands of its imperial master. It controlled taxation, but only on his initiative. It made appropriations of money, but it did so only at the suggestion of the Emperor, and the sources of revenue were under his control. Its chief function and highest dignity was the choosing of the Emperor; but even here its office was largely perfunctory, as the choice was usually determined either by the will of an emperor concerning his successor, or by the military power of a victorious candidate. As the Empire advanced along the path of centralization of power in the person of its head, the Senate became the mere shadow of ancient republican forms, from which all reality had faded, a degenerate body of mere honorary dignitaries under the control of their master.<sup>1</sup>

The Emperor's instruments of government

All the officers of the state, whether civil or military, ultimately became the mere agents and instruments of the imperial power, but the organization of control had its origin in the palace and was accomplished only in the course of time. Nearest to Augustus and the earliest emperors stood the pretorian guard, formed of the *élite* of the army, and modelled after the body employed by the ancient *praetors*, from which its name was derived. The prefects who commanded this body were accorded a wide range of authority, extending, except at Rome itself, over criminal matters, and even including appellate jurisdiction over the decisions of governors. After the manner of the ancient Roman magis-

<sup>1</sup> The history of the Roman Senate in its later period has been minutely studied by Lécivain, *Le Sénat romain*. Its degeneration as a legislative body was not the only misfortune for the state. By their exemption from taxes and justice, the senators became an arbitrary aristocracy, absorbing the vitality of the people. "En multipliant le nombre des sénateurs, en augmentant constamment leur privilèges, les empereurs se sont réglés tout naturellement sur les mœurs et les penchants d'une société profondément aristocratique. . . . On voit alors le despotisme au centre, l'anarchie aux extrémités. Le pouvoir s'émiette en tyrannies locales." — *Le Sénat romain*, pp. 210, 211.



trates, the Emperor had his council, composed of senators and knights. For the despatch of business he had in his household special offices, to which were appointed his personal servants — slaves or freedmen — who enjoyed his entire confidence. Gradually, these personal representatives became the principal organs of the public business, assuming in time an official character, and serving to centralize further the power of the state by mediating between the person of the Emperor and the regular officials of the Empire.

CHAP. I  
B. C. 30—  
A. D. 500

The Greco-Latin conception of a "city" (*civitas*) includes a totality of men inhabiting a certain territory under a local municipal government, with elective magistrates, local administration, police, and fiscal arrangements. The cities were the political units of the ancient world, and when Rome annexed the territories in which they were contained it left them free to continue their own local existence as before, supplementing their municipal arrangements with imperial laws concerning war, justice, and taxation.

The cities

Between the cities and the central government intervened larger aggregates, the "provinces," presided over by a magistrate appointed at Rome and representing the absolute sovereignty of the Empire. As representatives of the Emperor the governors of provinces possessed all his authority as regards the local population, ruling their provinces generally in all that pertains to justice, administration, and military direction. Only fiscal matters were excluded from their jurisdiction, these being under the charge of special agents directly responsible to the imperial government.

The provinces

Serving as a check to the personal severity or rapacity of the governors, the provincial assemblies, nominally chosen by the cities, under the Republic and in the earlier centuries of the Empire afforded a certain protection to the provinces; but in the later period, at least, these assemblies possessed no political liberties and presented no obstruction to the imperial will as regards legislation, taxation, peace, or war. They served chiefly to maintain an illusion of municipal liberty under a system of absolute imperial authority.

The provincial  
assemblies

## CHAP. I

B. C. 30

A. D. 500

The social  
classes

Throughout the Empire existed a social classification which served as the basis of the political organization. At the bottom of the social pyramid were the slaves (*servi*), without civil or political rights, yet not wholly without legal protection. To them was assigned nearly all of the manual labor. Next above the slaves stood the freedmen (*liberti*), released from slavery by a public act before a magistrate, a church ceremony, or the will and testament of their masters; yet ordinarily held to certain duties of obedience and even of service, and not fully invested with the prerogatives of men born free. Next above the freedmen were the plebeians (*plebes*), citizens of the lowest class, usually possessing little or no property and pursuing the occupations of industry, often associated in corporations protected by imperial laws. Those acquiring fortunes of a certain amount could enter into the class of *decuriones*, by which they became eligible to the municipal senate and local magistracies. Transition to the orders of nobility was possible to those who possessed sufficient wealth and had in their family no stain of infamy. Admission to the equestrian order required the possession of a fortune of four hundred thousand sesterces; to the senatorial order, a fortune of at least one million sesterces. These orders of nobility opened the way to the higher honors and offices of the Empire, — civil, military, and financial, — official position corresponding closely with social rank. Both socially and politically, therefore, the Empire became an organized plutocracy.

*Jus fetiale*

From its very magnitude as well as from its intrinsic character as a universal state, the Roman Empire during its widest dominion could recognize no international law in its modern sense. Comprising the whole of civilization, and regarding the turbulent hordes of the Parthians in the East, the wild bands of the Germans in the North, and the desert tribes of Africa in the South as mere barbarians, imperial Rome, having no co-equal neighbors, could not enter into international relations. Still, the ancient College of Fetials (*collegium fetialium*), which had originated when Rome was

one of many Italian city-states, continued to supervise the ceremonies relating to the declaration and termination of war, down to the end of the fourth century of our era.

Pretending to wage no war which was not just, the Romans regarded the interests of war and peace as possessing a sacred character, and it was to the scrupulous observance of the *jus fetiale* that they attributed their success in battle. According to these regulations, no war could be waged by Rome until after an attempt to secure a peaceful adjustment of the issue.<sup>1</sup> For this purpose, the case was submitted to the Fetials, who solemnly inquired into the cause of the provocation and fixed the responsibility for it. If a wrong had been committed by a Roman citizen, whatever his dignity, he was officially surrendered to the enemy, and the injury, if possible, was repaired. If the wrong was on the part of the stranger, the same reparation was demanded, and a delegation of the Fetials, under the direction of a *pater patratus*, was sent, bearing the sacred herbs gathered on the Capitoline, and clad in their sacerdotal vestments, to confer with the enemy. This ceremony consisted in a formal presentation of the complaint, attended with a minute ritual. If immediate satisfaction was accorded, the delinquents were exchanged. If redress was not promised, the delegation granted thirty-three days for reflection, renewed its protest, and reported the result to the Senate. If war was decided upon, the *pater patratus* returned to the frontier, pronounced the declaration of war by the use of a prescribed formula, symbolizing the rupture of peace by hurling a bloody spear upon the soil of the enemy.<sup>2</sup>

<sup>1</sup> Cicero, *De Officiis*, I, II, says: "Ac belli quidem aequitas sanctissime fetiali populi Romani jure perscripta est. Ex quo intelligi potest nullum bellum esse justum nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum."

<sup>2</sup> The Fetial, having arrived on the foreign territory, with veiled head, said: "Audi, Jupiter, audite fines, audiat Fas. Ego sum publicus nuntius populi Romani: juste pieque legatus venio, verbisque meis fides sit." Next, he stated his griefs. Then, calling Jupiter to witness: "Si ego injuste impieque illos homines, illasque res dedier

CHAP. I  
B. C. 30—  
A. D. 500

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As the territory of Rome expanded, the ceremonial was modified by sending envoys to confer with the foreign power as representatives of the Fetials. In order to execute the symbolic act of hurling the spear, a captive was compelled to buy a few square feet of ground in the Campus Martius, which was then considered as the enemy's country, and the spear was solemnly hurled upon it. Later, this procedure having been found too troublesome, a column in front of the temple of Bellonus was regarded as symbolizing the frontier, and the spear was thrown over this fictitious boundary, while a general was sent to repeat the declaration and begin the war by entering the territory of the enemy.

To the Fetials was intrusted also the conclusion of treaties, when the *pater patratus* exchanged solemn vows with the representatives of the other side, repeated the sacramental formulas by which the deities were made participants in the

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nuncio populi Romani mihi exposco, tum patriae compotem me nunquam sinas esse." Having said this on arriving upon the foreign territory, he repeated it to the first inhabitant he met, at the gates of the city, and in the public place. If satisfaction was not given as requested, at the end of thirty-three days, the number being solemnly prescribed, he used the following terms: "Audi, Jupiter, et tu, Juno, Quirine, diique omnes coelestes, vosque terrestres, vosque inferni, audite. Ego vos testor, populum illum (naming the people) injustum esse, neque jus persolvere. Sed de istis rebus in patria majores natu consulemus, quo pacto jus nostrum adipiscamur." The envoy then returned to await the decision of the Senate, which was assembled for the purpose of considering the case. Each member was asked his opinion, and if the majority voted for war the Fetial returned to the foreign territory with an iron-pointed spear, or with a pike hardened in the fire and covered with blood, which he hurled over the frontier with the formal declaration: "Quod populi priscorum Latinorum, hominesque prisci Latini adversus populum Romanum Quiritium fecerunt, deliquerunt, quod populus Romanus Quiritium bellum cum priscis Latinis jussit esse, senatusque populi Romanum Quiritium censuit, consensit, conscivit, ut bellum cum priscis Latinis fieret; ob eam rem ego populusque Romanus populis priscorum Latinorum, hominibusque priscis Latinis, bellum indico facioque." Having said this, he hurled the spear on the soil of the enemy. Livy, *History of Rome*, I, 32. See also Aulus Gellius, XVI, 4.



contract, and took into his keeping a copy of the treaty to be deposited in the archives. The compact was then regarded on both sides, not merely as an agreement between them, but as an obligation solemnly entered into with their respective deities.<sup>1</sup>

It was not by force of arms alone that Rome held her place of proud pre-eminence over neighboring peoples, but by the pursuit of a policy in which justice was the prominent feature. Cicero contrasts the treatment which the Republic accorded to its neighbors and allies before and after the dictatorship of Sulla, whose militarism created an epoch in the history of Rome. Speaking of the earlier period, Cicero says: "The Senate had become, so to speak, the asylum of kings, peoples, and nations. Our magistrates and our generals made it their glory to protect with justice and good faith the provinces and the allies. It is thus that Rome merited the name of protectress rather than mistress of the world."<sup>2</sup>

An open tribune, situated near the Capitol and called the "Grecostasis," is mentioned by Varro as a place where the envoys of foreign nations and the provinces awaited their audiences with the Senate. Toward the end of the Republic, a usage was established — soon formally authorized by the *lex Gabinia* — of devoting the month of February to intercourse between these deputies and the Senate, which was at

CHAP. I  
B. C. 30—  
A. D. 500

Foreign envoys in the  
"Grecostasis"

<sup>1</sup> The *pater patratus* having been authorized to ratify the treaty, he said after it had been read aloud: "Audi, Jupiter, audi, pater patratus populi Albani, audi tu, populus Albanus (this being the people in question): ut illa palam prima postrema ex illis tabulis cerave recitata sunt, sine dolo malo, utique, ea hic hodie rectissime intellecta sunt, illis legibus populus Romanus prior non deficiet. Si prior defexit publico consilio, dolo malo, ut illo die, Jupiter, populum Romanum sic ferito, ut ego hunc porcum hic hodie feriam: tanto magis ferito, quanto magis potes pollesque." When he said this, he struck the animal with the sharp stone. The other party to the treaty then ratified it in a similar manner. Livy, *History of Rome*, I, 24.

<sup>2</sup> Cicero, *De Legibus*, III, 20; and *De Officiis*, I, 13 et seq.

CHAP. I  
B. C. 30—  
A. D. 500

that time charged with the conduct of foreign affairs. At an unknown date, the "Grecostrasis" was transferred to the Forum, where it was located just before the Temple of Saturn.<sup>1</sup>

It was in the "Grecostrasis" that, in 304 B. C., Caius Flavius wished to construct a temple to Concord; but funds were not voted for that purpose, and he contented himself with erecting a chapel in bronze with the penalties paid by usurers.

Under the Empire, we do not hear of the "Grecostrasis," and with the passing of power into the hands of the emperors the institution and its usages appear to have fallen into desuetude.

*Jus gentium*

With the progress of Rome in the direction of cosmopolitan importance, strangers flocked to the city in ever increasing numbers, and legal questions between natives and foreigners and between foreigners of different countries were greatly multiplied. In the view of ancient jurists, the laws of one city had no application to the subjects of another; and the *jus civile* of Rome, administered by the *praetor urbanus*, was regarded as applicable only to Roman citizens. As the foreign colony increased it became necessary to create a new magistrate, the *praetor peregrinus*, whose duty it was to judge the causes of foreigners among themselves or with native citizens. Since no definite law existed for these cases, the *praetor* sought guidance by an examination of the laws of the various cities whose subjects were brought into controversy, and thus came into view the important fact that many of these laws were based upon principles that were common to them. As a result of these lessons in comparative jurisprudence it was seen that certain legal conceptions were practically uniform and universal, and thus was developed a body of doctrines which came to be known as *jus gentium*.

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<sup>1</sup> Daremberg et Saglio, *Dictionnaire des Antiquités grecques et romaines*, p. 1300, which cites specific classical authorities for the contents of the article.



While this process of comparative study was still going on, the doctrines of the Stoic philosophy, which perceived in nature a universal force pervading all things, physical, moral, and intellectual, — a universal reason or natural law-giver, — became influential in Roman thought, and the principles of the *jus gentium*, apparently those of right reason, came to be regarded as identical with those of *jus naturae*.<sup>1</sup> That these great principles of natural reason afterward furnished to Ayala, Gentilis, Grotius, and the jurists of the seventeenth century a basis for modern international law, has led to the misconception that the *jus gentium* of the Romans was of an international character. On the contrary, it was essentially a branch of Roman private law applicable to persons of other cities than Rome, and without application to relations subsisting between separate states. It was, however, destined to furnish a foundation of principles at a later time for the Law of Nations in a wider sense, — a law that should be for sovereign states what the *jus gentium* was for the provincials at Rome, — a light of reason shining on the path of justice.

CHAP. I  
B. C. 30-  
A. D. 500

*Jus naturae*

But it is the Civil Law of Rome, the *jus civile*, which marks the main current of Roman jurisprudence, that great system of law which ultimately extended over the whole Empire and became so ingrained in the thoughts and practices of Europe that it has never ceased to influence human action. When Caracalla, in 212, extended to all free men throughout the Empire the full rights of Roman citizenship, there was but one law for the whole western world, — the Civil Law of Rome. A form of government had been brought

*Jus civile*

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<sup>1</sup> Gaius, in the middle of the second century, recognizes no distinction between *jus gentium* and *jus naturae*. Ulpian, at the end of the second century, distinguishes between them. *Jus naturae*, he says, is primordial and followed by all animated beings; *jus gentium* is developed in the common experience of all nations; while *jus civile* is the definite system of a particular state. On these distinctions, see Carlyle, *Mediaeval Political Theory in the West*, vol. I, pp. 36, 44 et seq.

CHAP. I  
B. C. 30—  
A. D. 500

into existence which embraced in its conception the whole of humanity and embodied the wide diversity of its races and the still greater variety of its local usages in a vast World State. Never before in the history of mankind had a rule so universal been established. Greek and Spaniard, Briton and Syrian, Dacian and Numidian were equally subjects of one imperial master and equally panoplied with the rights of Roman citizens.

The qualities  
of the Roman  
law

The supreme law by which this vast and varied population was governed had profited by centuries of penetrating analysis, carefully balanced decisions, and large administration. All the finer spirit of the *jus gentium* had been taken up into it, and it had become the embodiment of pure reason in the realm of justice tempered by a wide and diversified application to practice. In theory the Emperor was the source of law, — “*Quidquid principi placuit legis habet vigorem*”; but in reality it was the experience of the Empire, in a large, impersonal sense, that became registered in the imperial legislation. The edicts of the Emperor had force only during his lifetime, and the mere personal ideas of the emperors had, therefore, no lasting place in the laws of the Empire. It was the decisions of the judges, often inspired by a deep appreciation of natural justice, that really created the Civil Law of Rome. In matters pertaining to the civil order, or relations of equity between man and man, it was never forgotten that the authority of the Emperor, so absolute in matters political, was in reality conferred by the people, — “*Utpote quum lege regia populus ei et in eum suum imperium et potestatem conferat*.”<sup>1</sup> There was no theory of a divine origin of monarchy until a later age, but the spirit of a generous phi-

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<sup>1</sup> Digest of Justinian, I, 41. “From the second century, then, to the sixth, we have seen that the Roman law knows one, and only one, ultimate source of political power, and that is the authority of the people.” Carlyle, *A History of Mediaeval Political Theory in the West*, vol. I, p. 70. While this was the theory of the Roman law, in practice the imperial power—the only real authority—“was obtained by every method, but never by that of popular appointment.”

losophy, and even of a broad humanitarianism, entered into much of the imperial legislation, and went far toward confirming the popular conception regarding the divine attributes of the Emperor. The wife, the child, and even the slave received legal protection, and the whole tendency of Roman jurisprudence was to place all human rights under the aegis of the imperial power.

CHAP. I  
B. C. 30-  
A. D. 500

Perhaps the crowning benefit conferred by the Roman Empire upon its vast population was the "Roman peace." Within the imperial limits there was little disposition to revolt, for the advantages of just laws, unrestrained intercourse, and uniform administration were highly prized. Classes continued to exist, but the ancient national and racial prejudices and antagonisms largely disappeared. The rapacities of the provincial governors were held in check by the central power, the business of life moved on prosperously, justice reigned, and until the period of crisis came the citizens of the Empire were, in the main, a contented people. Military force was seldom exercised except to protect the frontiers of the Empire, and a general feeling of security added to the enjoyment of existence. Far from considering the Emperor as a hateful despot, the people generally regarded him as a benefactor. At Rome, where the personal vices of the bad emperors were better known to their contemporaries, there was often reprobation and sometimes disgust; but throughout the Empire as a whole the emperors were objects of sincere veneration and patriotic devotion, as indicated by the eulogistic inscriptions upon the monuments dedicated to them and the altars and temples erected in their honor. They were regarded as having rescued the world from war, violence, and the petty tyranny of irresponsible local despots.

*Pax Romana*

With the death of Marcus Aurelius, the last of the "five good emperors," in 180, began a period of change and unrest which lasted till 284, when Diocletian ascended the throne and began his series of political reforms. In this century of turbulence twenty-three emperors actually held the throne,

The monarchy  
made absolute

CHAP. I  
B. C. 30—  
A. D. 500

not to mention the great multitude of pretenders, and of this number all but three met a violent death. The opening of Roman citizenship to all free men throughout the Empire was marked by a decline in the power of Rome, and vigorous reforms were rendered necessary. Diocletian endeavored to check the tendency to decentralization. To this end, the provinces were grouped under four prefectures,—those of Gaul, Italy, Illyricum, and the East,—and over each of these were placed separate civil and military officers, under the direct control of the imperial authority. As the Empire had grown so vast, Diocletian divided the *imperium* between two emperors, one to administer the affairs of the East and another those of the West. In order to render secure the imperial succession, each of these emperors named a successor bearing the title of “Caesar,” who served as an assistant, and thus became prepared to bear the imperial honor and responsibility. These reforms were of short duration, but they mark the beginning of a new order of things by which the monarchy was to become more absolute than before.

The removal  
of the capital  
and division  
of the Empire

With the reorganization of the Empire by Diocletian, Rome ceased to be the capital, and each of the four prefectures became of equal importance. When, in 330, Constantine founded a new capital for the whole Empire at Byzantium, to which he gave the name Constantinople, the traditions of the ancient Roman Republic, never wholly obsolete at Rome, entirely lost their significance, and the Empire tended more and more to assume an oriental character. Henceforth, the qualities of Asiatic royalty mark the imperial office, its elective origin is no longer considered of importance, and it becomes not only an absolute but in effect a hereditary monarchy.

Although the Empire was practically divided, and never again ruled by one man after the accession of Honorius and Arcadius in 395,—the former reigning over the West at Milan or Ravenna, and the latter over the East at Constantinople,—the *imperium* was always in theory regarded as one and indivisible, the imperial office still retaining its



unity as a legal conception, although administered by two separate persons. Though never formally dismembered, after 395 the East and the West pursued their ways, each under its own chief ruler, with a difference of administration which marked the practical obsolescence of the imperial unity.

CHAP. I  
B. C. 30—  
A. D. 500

The social crisis of the Empire appears to have had its origin in the organization of a luxurious court and the exemption of numerous classes from taxation, which caused a progressive impoverishment of the people. While the barbarians were filling the army orientalism was pervading the Empire, the sense of justice was relaxing, the frequent and sudden changes in the imperial office were devitalizing the protection of the provinces and leaving them to local mismanagement. Whole classes — the ecclesiastics, the army, the senators, the professors of grammar and rhetoric, as well as certain artisans — were exempted from the payment of taxes. The support of the state fell upon the few, and especially upon those having landed possessions. To rid themselves of this oppression, the small proprietors conveyed their lands to the larger, and the burden fell in turn upon these, until finally the fields were abandoned. Men sought refuge in slavery, and the government was obliged to pass laws forbidding the descent of the population to the level of irresponsibility. The difficulty of finding cultivators of the fields led to a strange provision of law. The power of the master to sell his slave was taken away, and the slave attached to a little patch of soil which he was compelled to cultivate and from which he could not be removed. Thus a condition of serfdom was substituted for that of slavery. Although, in the course of centuries, it proved to be a transition step to personal freedom and the abolition of servitude, serfdom was not intended to benefit the slave, but to enforce the cultivation of the land.

The social  
crisis

Failing of relief through the action of the public powers, the miserable endeavored to put themselves under the tutelage and patronage of the stronger proprietors and of the

Degeneration  
of the Empire

CHAP. I  
B. C. 30—  
A. D. 500

imperial officers. Whole towns invited the protection of some powerful master who could shield them from the exactions of the public authority, and thus a virtually feudal relation was sought long before the advent of the feudal age. A long endurance of control from above seems to have dried up the fountains of social initiative and self-dependence. The state had become everything, the individual nothing. So many generations had lived without political activity that the moral fibre of the entire population was permanently weakened. The deification of the state had created among the people a spirit of submission to its mandates and an expectation of its patronage which the degeneration of the public powers rendered truly pathetic. When the barbarian finally took possession of the land, his rude strength was far superior as a constructive force to the enfeebled energies of a decadent civilization. Western Europe had only two possessions that the invaders did not sweep away, — the Roman law and the Christian religion.

Roman  
religion

The religion of old Rome, like that of most of the conquered provinces, was originally a polytheistic nature worship. In matters of belief, Rome was tolerant, and the local cults, which varied widely, were left undisturbed unless they were found pernicious to the state. With the establishment of the Empire the influence of Rome became more potent, and altars and rites intended to celebrate the divine authority of the Emperor multiplied throughout the Empire. It was not difficult for a people inheriting a polytheistic faith to admit a new deity into their pantheon, and the religious instinct was utilized to promote the popular reverence for the divine head of the state and the unity of the Empire by the inculcation of faith in his glory, his power, and his moral attributes. Even where the old local superstitions were waning and the influence of the philosophers was felt, reverence for the Emperor had a substantial political reason for existence and even served as a substitute for vanishing or discarded faiths. The worship of the Emperor, which gave a certain unity to the religious sentiments of the Roman



world, was, however, rather an apotheosis of the state than a deification of his person, until death took him to the company of the gods.

There was one faith, humble in its origin but potent in its influence, against which the imperial power, in general so tolerant, pursued a course of persecution. Between the Empire and Christianity, as it existed in the first and second centuries, there was an inherent and fundamental antagonism. The teachings of Jesus, "Render unto Caesar the things that are Caesar's and unto God the things that are God's," implied the existence of a power above the state; and, without openly inciting to rebellion, plainly imposed at least a divided, and even a superior allegiance. The secrecy of the Christian assemblies, the reports of their ceremonies and teachings, the refusal of the Christians to offer sacrifices to the pagan deities, or to recognize the divinity of the Emperor himself, called forth the opposition of the imperial officials and brought upon the humble confessors of Christ the heavy hand of a resentful government. On the other side, the followers of Jesus experienced a profound revulsion in the presence of the pagan ritual, the official pomp, the military authority, the social indulgence, the cruel spectacles, and the personal vices which to their minds the Empire represented, and they gladly bore witness to the purity and divinity of their belief by enduring the pains of martyrdom. The proscription of their faith closed to all who survived every avenue of life except the most obscure and humble; yet, notwithstanding the imperial repression, Christianity was destined to a final triumph. By the commencement of the fourth century, in spite of bitter persecution, its secret propaganda had won great multitudes of adherents, and through the Edict of Milan, of March, 313, it became a tolerated religion, and afterward the religion of the court.

Without accepting the legends concerning the conversion of Constantine, it is evident that the Edict of Milan, although in form an edict of general toleration, was expressly intended

CHAP. I  
B. C. 30-  
A. D. 500

The Christian-  
ization of the  
Empire

The Edict of  
Milan

CHAP. I  
B. C. 30-  
A. D. 500

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to favor the Christians.<sup>1</sup> The fact that nineteen-twentieths of the population of the Empire were still pagans, is sufficient proof that Constantine's motives in issuing the edict were not purely political, and the progressive character of his public acts in favoring Christianity confirms the conviction that his first step was not taken solely to gain support.<sup>2</sup>

A far more just and well grounded theory of his conduct is found in the view that, with a strong personal sympathy for the Christians, whose persecution he had witnessed, and with at least an inclination toward their faith, which he appears finally to have sincerely adopted, his first wish was to rid the Empire of religious conflicts, by which its power of resistance had been weakened. The rapid growth of Christianity under the favor of the Emperor led him to see in it a social force of great value to the unity and strength of the Empire; for it was only in such a deep working leaven as Christianity possessed that a remedy could be found for the enervating luxury, the corroding vices, and the indifference to public interests which were eating out the life of Roman society. Finally, convinced of the vast importance of the Church as a support to the Empire, he did all in his power to secure its unity by cultivating the Catholic faith and preventing the development of independent sects. In 324, he expressed the wish that all his subjects might become Christians; and in 325, the Council of Nicaea, over which he presided, began the condemnation of heretics.

The transition from the toleration of Christianity to the persecution of paganism, in 341, marks the progress of Constantine's policy toward the definite establishment of Christianity as the official religion of the Empire. The pagan

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<sup>1</sup> The Edict of Milan is preserved in two different texts, which differ only in unimportant details. One is found in Lactantius, *De Mortibus Persecutorum*, 48; the other, in Eusebius, *Historia Ecclesiastica*, X, 5, 2, 15. It is one of the oldest complete documents.

<sup>2</sup> Allard, *Le Christianisme et l'Empire romain de Néro à Théodose*, Paris, 1898, p. 183, holds the opinion that the Edict of Milan was a purely political act.

reaction under the Emperor Julian was of short duration; and, renounced by the Roman Senate in 388, paganism was finally abolished by the authority of Theodosius the Great, about 391. Christianity had won a definitive victory and had become the only legally recognized religion in the Empire.

The evil from which the Empire had suffered in the period of pagan decadence was the dissolution of faith in the old ideals and virtues which had inspired the past. Moral discipline, patriotic sentiment, social contentment, — all had been swept away by the crumbling of the ancient faith. The process of dissolution, prolonged for centuries, had relaxed and enfeebled the bonds which unite a people to their country, an army to its duty, and public officials to their tasks. The freedom which the Edict of Milan accorded to Christianity introduced a new constructive principle into society, — the fresh vigor of a fervent faith fitted to vitalize the whole of existence. For centuries, no free assembly had met on the soil of the Empire, conscience had been silenced, and personal conviction had been suppressed. With the toleration of religious teaching, a new order was instituted, and men started out anew in the pursuit of truth.

Although a new force was thus brought into action, it came too late to save the Empire. Before its results could be secured the barbarians entered upon their work of destruction, and the political fabric was swept away; but the energies set free by the edict of toleration created a new "government of souls," — as Littré has expressed it, — "a government the most difficult and the most important of all."<sup>1</sup> Finding but little to attract them in the purely civil order, the noblest minds directed their attention toward the great work of social regeneration. Freed from the restrictions hitherto imposed upon it, inspired by the universality of its own ideals, and encouraged by the misfortunes of the state, the Church began its splendid task of winning the population

CHAP. I  
B. C. 30—  
A. D. 500

The influence  
of Christianity  
upon the  
Empire

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<sup>1</sup> Littré, *Etudes*, p. 27.

CHAP. I  
B. C. 30—  
A. D. 500

Organization  
of the Church

of the Empire to its creed and gathering the lowly and the great within its fold.

Thenceforth, we find Christianity, which had subsisted only as a personal faith, identified with an official doctrine and an organized hierarchy. Aiming at universality, the Empire furnished it the model of organization. The local bishops, successors of the apostolic pastors, were placed under the authority of metropolitans, whose powers were ordained by the Council of Nicaea. The same geographic distribution served for the civil and the ecclesiastical jurisdiction, the capital towns of the imperial provinces becoming the metropolitan centres of the Church, and this distribution was to continue down to the end of the eighteenth century. Above the metropolitans were ranked the patriarchates,—the churches founded directly by the apostles, as guardians of faith and discipline,—Jerusalem, Antioch, Alexandria, and Rome, to which Constantinople was added as the imperial capital. Of these Rome alone was in the western part of the Empire, and hence obtained a primacy over all the western churches, its bishop being regarded as the successor of St. Peter. Thus, the old capital of the Empire rather than the new became the seat of authority for the Western Church; and, after the rise of the barbaric kingdoms upon the ruins of the Empire in the West, the Church became the legatee of its remnant of power and influence. By position, by tradition, and by its own theory of its prerogatives, Rome became the mother of catholicity, the source and tribunal of orthodoxy, and the possessor of those imperial attributes in the spiritual realm which the Empire had possessed in the civil and political. Often left as the sole general authority in Rome, its bishop was sometimes clothed with these latter attributes also; and when the barbarian entered the city he found a throne still unshaken by the shock of war, and seated upon it a venerable and august presence claiming the right by virtue of a power not of this world, to rule the conqueror as he had ruled the conquered.



## II. THE BARBARIAN INVASIONS

CHAP. I  
B. C. 30-  
A. D. 500

Almost encircling the Roman Empire, as the Empire encircled the Mediterranean, were those vast *terrae incognitae* which the Romans regarded as the world of the barbarians. Against its incursions fortified and garrisoned frontiers were erected, but occasional efforts to advance them to points of greater security ended in the renunciation of extended conquests, and after the close of the second century practically permanent boundaries were established. Even within these limits were included barbarian populations allied with the Empire for its defence, thus creating upon its frontiers a borderland of unrest and commotion.

The Barbarian world

The line of least resistance to the influences of the barbarian world lay along the Rhine and the Danube. Here the Germanic races — the Teutons and the Goths — composed of numerous local tribes, after beating back the advance of the Roman legions, finally pressed for admission into the lands of the Empire. Behind the Teutons and the Goths, who filled the vast spaces east of the Rhine and north of the Danube, including the great Scandinavian peninsula, were the Slavs, of whom only those of the Baltic — the Wends or Vandals — appear to have been known to the Romans, extending to the Vistula and the Don. Farther to the East and the North, were the Lithuanian tribes, settled along the banks of the Niemen and extending to the Vistula. Behind them, were the Uralo-Altaic races, — Finns, Huns, Avars, Magyars, Tartars, Mongols, and Turks, — peoples unknown to the Romans, and whose migratory habits made their boundaries uncertain; yet all destined, in the course of time, to make their influence felt upon European history.

The tribes of the North

It was the Germans who, as nearest neighbors, first bore in upon the Empire. A race of brave warriors, of sanguine temperament, blond complexion, large frame, and untiring energy, the Germans contrasted strongly with the South European or Latin type. Habituated to the enjoyment of

The German infiltration

CHAP. I  
B. C. 30-  
A. D. 500

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personal freedom, lovers of liberty, accustomed to self-defence, they had few political ambitions and little disposition for conquest. Deriving their means of livelihood from a rude agriculture and the tending of their herds, they lived in village communities rather than in large towns, surrounded by their cattle, cherishing the life of the family, holding the land in common, governed by their local chiefs, whom they followed and obeyed with a singular devotion, without written laws, and without an extensive political organization. The village community (*Gemeinde*) was the social unit, above which was the canton (*Gau*), the totality of cantons constituting the folk (*Volk*). A nobility was recognized among them, based originally, it would seem, upon capacity for leadership, though regarded as possessing a sacred character. Royalty was also recognized, but mainly in times of danger, and the king differed but little in mode of life from his tribesmen. The chief bond was that of the local community, in which all freemen were participants. Endowed with unusual fecundity, the Germans were always outgrowing their environment, and by the increase of their population were impelled to seek new lands. As early as 113 B. C. the Teutons and the Cimbrians, with their wives, children, and cattle, entered the territory of the Roman Republic in one of their frequent migrations, demanding lands for settlement. They were properly immigrants rather than conquerors. Driven out by Marius, they entered Northern Gaul, whence they were expelled by Julius Caesar. Failing to exterminate them on the other side of the Rhine, the emperors were finally content to make that river a permanent frontier of the Empire; but the public policy of the Romans encouraged rather than prevented a constant influx of Germans, who steadily mingled with the Roman population.

Public policy  
regarding the  
barbarians

Before becoming its masters, the barbarians served both to populate and to defend the Empire. It was not by sudden and sanguinary attacks from without that the Roman power was dissolved; but, rather, by the long and gradual infiltration of foreign elements, till at last a point was reached



where assimilation was arrested and the German element became preponderant. As Montesquieu has expressed the fact, "It was not through a particular invasion that the Empire was lost, it was the result of all the invasions."<sup>1</sup> It was, as we shall see, by the defect of its foreign policy, by the fault of its diplomacy, that the Roman Empire fell; for it was by its absorption of an alien population and its reliance upon alien defenders that the Empire at last became unable to defend itself.

What the Romans were able to accomplish before their fatal policy had borne its fruits, is evident from the manner in which they met the great crisis of the invasion of the confederated barbarians in the second century. More than twenty powerful tribes, led by the Quades and Marcomanni, had formed a league for the destruction of Rome. When the purpose of the barbarians became known, Marcus Aurelius convened the Senate, the oracles were consulted, public lustrations were made, prayers were offered, even the slaves and gladiators were armed, and the whole population was converted into a military camp. To meet the expenses of defence, the Emperor patriotically set the example of personal sacrifice by selling at public auction at the foot of Trajan's Column the furniture and silver of the palace, and even the jewels of the Empress. For fifteen years, Illyricum, Noricum, and Pannonia were the scene of a bloody resistance, ending in the complete rout of the barbarians.

Other barbarian confederations, like those of the Franks and the Goths in the third century, and that of the Saxons in the fourth century, were defeated and destroyed by the Romans; who, under the leadership of valiant emperors, like Aurelian, Probus, Constantine, and others, exhibited a vigorous power of resistance. But the policy of colonizing the barbarians within the limits of the Empire, and of forming alliances for its protection with whole nations upon its bor-

CHAP. I  
B. C. 30-  
A. D. 500

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<sup>1</sup> Montesquieu, *Grandeur et décadence des Romains*, ch. XIX.

CHAP. I  
B. C. 30-  
A. D. 500

The internment  
of captives

ders, eventually placed the foreign element in control and subjected the Romans to its domination.

After his victory over the Quades and Marcomanni, Marcus Aurelius, thinking to cut off his captives from contact with the barbarian world, settled them in the plains of Northern Italy. Forts and camps were distributed along the Rhine and the Danube, supplied by ships on those rivers, and a gigantic wall, whose ruins still astonish the traveller, afforded protection over a space of nearly three hundred miles.

Retaining their native character even in the heart of Italy, the captive barbarians proved to be a dangerous element when closely grouped together near the towns, and it was found necessary to isolate them still further by dispersing them in the country, where there was ample room; for the depopulation of the fields had begun in the time of the civil wars of the Gracchi and had steadily continued, extending even to the provinces, through the increase of taxation and the passion for city life.

The *coloni*

The class known as *coloni* had long existed among the Romans, and now the surrendered barbarians (*dedititii*) were settled upon the public lands, taking the place of the ancient native *coloni*, a kind of hereditary farmers permanently attached to the soil. During the third century there was hardly a barbarian nation which did not furnish to the Empire its contingent of men to cultivate the fields, and the majority of the Alamanni, Franks, Goths, and Sarmates transplanted by the emperors entered the class of *coloni*.

It was not, however, merely as a means of disposing of captives, nor for the development of agriculture alone, that the Romans converted the surrendered barbarians into *coloni*; they were made a source of revenue to the public treasury. Besides the annual rent paid by the *colon* to the proprietor of the soil (generally the state), there was imposed upon him a capitation tax, the amount of which was fixed from year to year, according to the needs of the public revenue.

Thus incorporated in the Empire, the barbarians were not,

as *coloni*, admitted to the enjoyment of those rights and prerogatives which might have created within them a sentiment of patriotism and converted them into veritable constituents of the imperial commonwealth; on the contrary, they were branded as strangers, never considered as citizens, and, being always prohibited from living near Rome and other large cities, were condemned to a life of rustic ignorance which left them in their original state of barbarism.

Under the Republic and in the earlier period of the Empire, military life was regarded as a noble profession and a patriotic duty; but with the decline of private interest in public affairs the qualities of the old republican legions were wholly lost, and the army, filled with the drift of the population and conscripts taken among the *coloni*, became a school of insubordination and a menace rather than a defence to the security of the civil order.

In the time when Rome was extending its dominion over the world, the legions were composed exclusively of Roman citizens, and such was the general admiration for the Roman military organization that it was regarded as having a divine origin. But the heavy arms of the legionary, the drill, the labor, the severe fatigue, and the constant discipline to which the soldier was obliged to submit, became repugnant to men who had acquired habits of self-indulgence, and those who entered military life at all preferred the lighter service of the auxiliary troops. But, in time, every form of military duty fell into contempt, and the avoidance of service by Roman citizens was rendered easier by the presence of the barbarian *coloni*. In the fourth century, a law was passed which fixed the conscription of soldiers as a tax on landed property. Each proprietor was required to furnish a number of soldiers corresponding to the value of his lands, and the young *coloni* were thus forced into military service. The army, composed of this semi-servile class, without patriotism and without a sense of responsibility, thus fell to the rank of a purely mercenary force.

CHAP. I  
B. C. 30-  
A. D. 500

The degeneration of the  
army

Left without faithful defenders within, the public policy of The *foederati*

CHAP. I  
B. C. 30-  
A. D. 500

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Rome committed the fatal mistake of depending for the security of the imperial frontiers upon alliances with the barbarians. As early as the time of Julius Caesar, barbarian volunteers had entered the Roman army as auxiliaries, and the emperors had often preferred a personal body guard of foreigners to a corps of their own subjects. The Batavians were, however, the first people to enter into a formal alliance with the Romans by solemn treaty, engaging to furnish a fixed contingent of soldiers and to serve as defenders of the Empire. As allies (*foederati*), they retained their own chiefs and their own institutions and paid no tribute, although they occupied Roman soil.

In like manner, the Ripuarian Franks, in 259, became infeodated with the Empire as its paid defenders. When, in the fourth century, an invasion of the Saxons drove the Salian Franks across the border, the Emperor Julian regarded their intrusion as an invasion, and marched against them; but, after an explanation, they were allowed to remain under pledges of fidelity.

As new peoples, pressed forward by their enemies, appeared upon the frontiers of the Empire, similar compacts were made with them in ever increasing numbers. Thus, the Vandals, the Goths, and other barbarian tribes were received as *foederati*, and for a time were faithful to their obligations; but, having been admitted to the right of marriage and of commerce, these allies speedily Germanized the entire Empire. Not only were the frontiers intrusted to the military colonies of barbarians, who replaced the former colonies of Roman veterans, but the Germans gradually pervaded and controlled the imperial government. In the second half of the fourth century, having risen to the rank of generals, senators, and consuls, they had acquired a great influence in the army, in the magistracies, at the court, and in the councils of the Emperor.

The ambitions  
of the barba-  
rians

Once possessed of the dignity and power of Roman officials, the ambitions of the barbarians knew no bounds. The German Arbogastes, who had long played a considerable rôle



under Gratian and Valentinian II, took advantage of his influence with the army to assume command of all the troops, with the title, "Master of the Soldiers." When Valentinian, who resented his arrogance, handed him his dismissal, the proud barbarian read it, tore up the paper, and left the presence of the Emperor with the words: "It is not from you that I hold my authority; you have not the right to deprive me of it."<sup>1</sup> Then, without waiting until Valentinian could punish his rebellion, he resolved to rid himself of the Emperor; and, having slain him while reviewing his troops, in order to show his power, he bestowed the purple upon the rhetorician Eugenius.

From that time forward, the barbarian element became dominant. The barbarians ceased to be imitators of the Romans, and the Romans began to adopt the methods of the barbarians.

It was the attacks of the Huns, who were wandering westward and ravaging their country, which pushed the Visigoths, or West Goths, in 376, to ask for asylum within the Empire. Their embassy was received by Valens at Antioch, and two hundred thousand armed men, with their wives and children, were admitted. It was the prelude to the terrific campaigns of pillage which, following in rapid succession, laid waste the Empire. Having through bribes to the Roman officers evaded the stipulation that they were to surrender their arms, soon afterward, feeling themselves oppressed, these Gothic refugees rose in revolt and fought a series of battles in which two-thirds of the Roman army fell and the Emperor Valens lost his life. Pillaging the country to the very gates of Constantinople, the victorious invaders broke up into small bands, which continued to ravage the towns and villages, until Theodosius finally made peace by settling them south of the Danube.

Another Gothic invasion, under Alaric, was even more terrible in its character and more devastating in its results.

CHAP. I  
B. C. 30-  
A. D. 500

The Gothic  
invasions

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<sup>1</sup> Zozimus, *History of Rome*, I, IV, 53.

CHAP. I  
B. C. 30—  
A. D. 500

Invasions of  
Radigaisus  
and Alaric

After plundering the East, Alaric crossed the Alps in 402, prepared to conquer Italy, and was not repelled until he had driven the Emperor Honorius from Milan and forced him to take refuge in Ravenna.

In 405, Radigaisus led a terrific onslaught by a host of barbarians composed of Vandals, Burgundians, Suevians, and others. But it was Alaric's second invasion, in 409, which revealed the utter prostration of the imperial power and showed how completely the Empire was at the mercy of the barbarians. Crossing the Rhine and devastating its towns, he swept through Gaul like a tempest as far as the Pyrenees.

Descending into Italy, he passed with contempt Ravenna, among whose marshes the impotent Honorius had taken refuge, and hastened on to Rome, where he found a richer prey for pillage. Having reduced it to famine, he forced it to pay tribute, for which its most precious monuments, among them even the statue of Courage, were melted down; then, having humbled it by forcing the Senate to decorate his creature, a mere prefect, with imperial honors, in 410 he turned his greedy hordes loose to plunder it at will. Rome rifled, the whole country was ravaged, and amidst the orgies that followed, the sons and daughters of Roman senators were compelled to serve their costliest wines in golden cups to the already intoxicated soldiers.

The fall of the  
Empire in the  
West

But the pride of Rome was destined to sink to still lower depths of debasement. Honorius, who had scornfully refused to treat with Alaric, was glad to negotiate with his successor, Atolf, and even elevated him to the command of the imperial army. While the power of the Empire was thus internally falling into the hands of its invaders, still other barbarians were pressing upon it from without. The Vandals under Genseric not only stripped it of its African possessions by successive treaties, but finally made an attack on Rome itself; the Huns under Attila, after receiving tribute on the Danube, in 447 plundered the East, and in 452 ravaged Northern Italy. Soon afterward, Attila having died, the confederation he had founded in the North fell to



pieces, but its former subjects, — Ostrogoths, Gepides, Herulians, Rugians, Lombards, and others, — having driven the remainder of the Huns to the valley of the Volga, simply took their places. Britain had been lost to the Empire since the Saxon invasion of 449; the Franks had abandoned their former alliance and entered the service of Egidius, who was founding an independent kingdom in Gaul; Genseric, long master of the Mediterranean, in 455 carried the spoils of Rome to Carthage; and from that time till the final catastrophe a succession of shortlived, and, in the main, personally impotent emperors, set up by military power, barely maintained the waning tradition of imperial rule.

At last, the person of Romulus Augustus, — called “Augustulus,” or the “Little Augustus,” — a child of six years, was, in 475, invested with the purple by his father, Orestes, a former secretary of Attila, who had become general of the army, and in 474 had deposed the Emperor Julius Nepos; but the mercenaries under his command having exacted as their reward the partition of Italy and the possession of one third of the land, Orestes, after refusal, was killed in battle; and, in consequence, in 476 Romulus was compelled to renounce his pretensions. There being, in reality, no public authority in Italy, Odoacer, chief of the mercenaries, induced the Roman Senate to send the imperial insignia to Constantinople, requesting Zeno, Emperor of the East, to permit him to administer Italy with the title of Patrician.

### III. THE RELATIONS OF THE BARBARIAN KINGDOMS TO THE EMPIRE

The sending of an embassy by Odoacer and the Roman Senate to the Emperor Zeno certainly did not imply that the Empire had ceased to exist. On the contrary, it was an explicit admission of its existence and of its authority as a legal fact. In truth, no one even thought of disputing it, least of all the barbarians themselves. To them, as to all men of that time, it seemed that the Empire was a part of

CHAP. I  
B. C. 30—  
A. D. 500

The embassy  
of Odoacer to  
Zeno

CHAP. I  
B. C. 30-  
A. D. 500

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the system of nature. The ground on which Odoacer's embassy asked authority to rule in Italy was, that no lawful emperor longer existed in the West. It is to be noticed also that it was in the name of the Roman Senate, that Odoacer appealed to Zeno for authority to rule. The reception and reply which Zeno accorded to this embassy confirmed the theory which its mission implied. The diadem and purple robe of Romulus brought by the ambassadors of Odoacer were accepted; but, at the same time, the ambassadors of the previously deposed Emperor, Julius Nepos, who came to appeal for help in his behalf, were received with equal honor. With dexterous diplomacy, neither request was denied and neither granted. The Senate was informed that, so long as Nepos lived, he was the legitimate sovereign; but, as he was a helpless exile, and no aid was furnished to his cause, the reply was merely nugatory. On the other hand, Odoacer was praised for his method of governing and permitted to rule in Italy, though not distinctly authorized to act as Patrician. Thus, the theory of the Empire was maintained, and the actual government continued to exercise authority. The imperial form persisted, but the reality had perished. The whole procedure was distinctly oriental; yet such was the prestige of the imperial idea that not only Odoacer in Italy, but the Visigoth Euric in Spain, the Burgundian Gondobad in Gaul, and the Vandal Genseric in Africa continued to permit documents to be dated and coins to be struck with the name of a Roman emperor upon them.

Odoacer's ad-  
ministration

In fact, to most persons living in Italy under the rule of Odoacer, it could hardly have been apparent that any important change had taken place. The new Patrician retained, in the main, all the machinery of the Roman administration. The Senate still met at Rome, and the consuls gave their names to the years, just as they had done under the emperors. Pretorian prefects and masters of the soldiers were appointed as before. The Church was allowed to pursue its way unmolested; for, while Odoacer assumed the right to confirm the election of the bishops of Rome, he did not pre-

sume to name them. It was only in the expropriation of the land demanded by the mercenaries that the change was deeply felt, and this source of discontent seems to have been reduced to the minimum by divesting of their estates only the large proprietors, leaving the small ones in the quiet possession of their lands.

CHAP. I  
B. C. 30-  
A. D. 500

The date 476 is usually regarded as marking the final fall of the Roman Empire in the West, and as the boundary between the ancient and the mediaeval periods of European history. In truth, the Empire had long before ceased to be a reality and long afterward continued to be treated as a legal fact. In the twenty-one years previous, nine nominal emperors had succeeded one another, nearly all of them the helpless as well as the ephemeral creatures of barbarian leaders like Ricimer, Gundobad, and Orestes; who, under the name of "*Patricius*" or "*Magister Militum*" had virtually held what central power still remained.

Significance  
of the transi-  
tion

The year 476 may, therefore, perhaps, as well as any other definite date, be chosen to mark a transition which was in its nature progressive and almost insensible, but which reached a culmination in the embassy of Odoacer. The significance of it lies in this, that it serves to fix in the mind the substitution of local and racial authority in Western Europe in place of the waning influence of universal imperial rule. It separates the period of European unity under the Empire, which it practically terminates, from that long age of change and disturbance in which the fragments of the old Roman world sought protection from further invasion and plunder, first by the organization of the barbarian kingdoms, then by the revival of the Empire, later by feudalism, and finally by the influence of the Church, until at last the solution was found in the rise of the great national monarchies and the development of the modern State System.

During all these centuries, and long afterward, the imperial idea was the dream of great thinkers and statesmen. It has never ceased to feed the imagination by its inspiring ideals and its splendid memories. It made of Rome the

The imperial  
idea

CHAP. I  
B. C. 30—  
A. D. 500

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capital of the world in all that quickened ambition or directed thought. Its far reaching shadow fell upon every throne and guided every great aspiration. It, therefore, becomes the key of European history, and above all of European diplomacy, whose supreme efforts have been, on the one hand to create anew an empire fashioned upon the model of the old Roman *imperium*, on the other to thwart this endeavor and secure for the separate nations of Europe the guarantees of their independence and their rights of national sovereignty. The Roman and the German, using these terms in their broadest sense, have represented two opposing forces in the creation of the modern world. Neither has completely triumphed, but the organization of the one and the freedom of the other have combined to produce the political system of modern times.

The barbarian  
kingdoms

When the barbarians overran Europe and Northern Africa, they were migratory bodies whose sense of nationality was not derived from the land they occupied but from their identity of race. Their kings were not the lords of prescribed territories, nor were they regarded as rulers of any particular regions. Euric, who was the Visigothic king in Spain, and Genseric, who was the Vandal king in Africa, were not kings of Spain or of Africa, but kings of the Visigoths and the Vandals. Odoacer, who ruled as Patrician in Italy, with the permission of the Emperor at Constantinople, signed his grants not as *Patricius* but as *Rex*; yet he never regarded himself as King of Italy. All these royal barbarians found it, for a time at least, quite consistent with their wishes and pretensions to recognize, in a theoretical fashion, the existence of the Empire; but they ruled the population where they dwelt without reference to the imperial will.

Several large kingdoms and many smaller ones of this kind rose upon the lands of the West where Rome had formerly held sway. Italy and Noricum were under the kingship of Odoacer. To the east of Noricum and south of the Danube, was the kingdom of the Ostrogoths, or East Goths. North of the Alps, along the Upper Rhine, lay the kingdom of the



Alamanni. Between the Main and the Elbe was the kingdom of the Thuringians. West of this, lying along the Weser, was the kingdom of the Saxons. South and west of the Rhine, extending over the Lower Rhine, the Meuse, and the Moselle, as far south as the Somme, and destined to dominate the whole of Gaul and Germany, was the rising kingdom of the Franks. To the south, in the valley of the Rhone, lay the kingdom of the Burgundians. To the west, between the Somme and the Loire, was the evanescent Gallo-Roman kingdom founded by Egidius and ruled by his son and successor Syagrius. All the remainder of Gaul and the whole of Spain, excepting the little kingdom of the Suevi in the northwest corner of the Spanish peninsula, constituted the seat of the great kingdom of the Visigoths, whose extent promised a still further expansion. Stretching along nearly the entire Mediterranean coast of Africa lay the vigorous but shortlived kingdom of the Vandals.

All these kingdoms were to undergo radical and rapid changes, for they were the habitations of restless and migratory peoples. The Franks were to spread over the whole of Gaul, annexing to their domain the lands of the Burgundians, the Alamanni, and the Thuringians, and making great inroads on the Saxons and the Visigoths. But it is unnecessary for our purpose to trace these mutations, which were to end, after a long period of movement and conflict, in the suppression of the barbaric kingdoms and the consolidation of the greater part of Western Europe under the Franks.

The diplomacy of Zeno in dealing with the embassy of Odoacer, while yielding to the necessity of the moment, had successfully guarded the legal rights of the Empire; and the Emperor had never abandoned the intention of restoring the imperial authority when the occasion offered. In 479, Theodoric, King of the Ostrogoths, requested of Zeno the authorization to join his army with the forces of the deposed Emperor Nepos for the purpose of restoring the dethroned monarch. The death of Nepos in 480 prevented the consummation of this negotiation, but about ten years later a

CHAP. I  
B. C. 30—  
A. D. 500

Theodoric  
the Goth

CHAP. I  
B. C. 30-  
A. D. 500

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similar proposition was made in behalf of Augustulus. Zeno, wishing to divert the Ostrogoths from an invasion of the East, approved the enterprise of reconquering Italy, and Theodoric, with the title of Roman Consul, set out at the head of his army, under orders of the Emperor, "to avenge the injury done to Augustulus."

The Romans were filled with joy at the prospect of seeing the Empire restored in Italy, and refused asylum to Odoacer when, forced to retreat, he sought refuge within the walls of Rome. After four years of heroic resistance, Odoacer was finally overcome. Theodoric had promised to spare his life, but in the midst of a banquet slew him with his own hand.

The conquest of Italy had been made in the name and with the authority of the Emperor, to whom Theodoric still owed allegiance. For many years, Roman consuls continued to be named at Byzantium, while the name of the Emperor appeared on the monuments restored by the Gothic king and coins were stamped with his image. In time, however, Theodoric reunited nearly half of the old Roman Empire in the West, and Italy, rendered prosperous by his wise and vigorous rule, became in fact an independent kingdom.

The diplo-  
matic relations  
of Theodoric

Not merely by the power of the sword, but by the exercise of statecraft, did Theodoric attempt to extend and rule his wide dominions. The heir of the Roman institutions in Italy, which Odoacer had not disturbed, he had come into possession not only of a complete system of political methods and formulas but of highly skilled advisers. In the person of the elder Cassiodorus, a Roman statesman who had served Odoacer as a valued counsellor, Theodoric enjoyed the assistance of a trained publicist who was a master of all the imperial traditions. The younger Cassiodorus, who had received a careful education to fit him for public life, besides filling other high offices, became the confidential adviser of the King, the chief of his chancellery, and the historian of his time.

The first thought of Theodoric, after his conquest of Italy, was to obtain from the Emperor Anastasius a recognition of



his government. For this purpose he sent an embassy to present his homage to the new emperor, who had just succeeded Zeno, and to express his acknowledgment of the imperial supremacy. Although, according to a chronicler of the time, the Emperor not only recognized Theodoric but presented him with the imperial ornaments which Odoacer had sent to Constantinople, it is doubtful if the advances of the Goth were received without distrust.

On his part, at least, the barbarian king was quick to perceive the incompatibility of his own ambition and the permanent interests of the Empire. Placed between Constantinople on the East and the barbarian kingdoms on the West, his security lay in the cultivation of peaceful relations on both sides. Foreseeing the inevitable conflict with the Empire when it was prepared to assert its authority over him, he at once began to organize his defence by forming strong alliances with his barbarian neighbors. The identity of political interests was strengthened by the community of religious faith among these invaders of imperial territory; for, like himself, the kings of the Visigoths, Burgundians, and Vandals were followers of the Arian heresy. Under the guidance of Cassiodorus the Elder, Theodoric undertook to create a system of alliances with his neighbors, by which their forces would be united to preserve their conquests from future reclamation by the Emperor.

The first step in this direction was a series of marriages by which his family became connected with the principal barbarian kings. Taking as his wife Audelfreda, the sister of Clovis, King of the Franks, at that time a pagan nation, he hoped to exercise a predominating influence upon the future of that kingdom. Having married his sister, Amalfreda, to Trasamund, King of the Vandals, his two daughters by an earlier marriage were given to Alaric II, King of the Visigoths, and Sigismund, son of the King of the Burgundians. A niece, Amalaberga, was married to Hermenfrid, King of the Thuringians. Having thus made himself the centre of a group of family alliances, he endeavored by means

CHAP. I

B. C. 30-

A. D. 500

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CHAP. I  
B. C. 30—  
A. D. 500

of gifts and friendly services to unite all the others under his leadership.

The task which Theodoric had undertaken was not devoid of serious difficulties; for, while the Vandals, the Visigoths, and the Burgundians had already made extensive conquests, and were endeavoring to consolidate their power within the limits already attained, the Franks were eager to extend their borders, and under the leadership of their energetic and unscrupulous king were constantly invading and subjugating their neighbors. When the Alamanni, driven by the merciless violence of the Franks, crossed the Alps to seek refuge in Italy, Theodoric was placed in a position of extreme embarrassment. If he refused protection to the unfortunate refugees, he would lose his influence with his peaceable neighbors. If he afforded them asylum, he would incur the hostility of Clovis. The manner in which he solved this delicate problem illustrates the acumen of this barbarian prince. He welcomed the refugees and offered them homes in the depopulated districts of Northern Italy, but at the same time wrote to Clovis a friendly letter, congratulating him upon his brilliant victory and intimating that, since Clovis would, doubtless, regard it wise to exercise moderation after so signal a triumph, he, as a friend and relative, had received the vanquished and would be pleased to aid him in his exhibition of clemency by caring for them in such a manner as to redound to the credit of the Frankish king.<sup>1</sup> Two ambassadors were charged to deliver this clever message, and, in order to appease still further the warlike temper of Clovis, an accomplished singer and citharist was sent to soothe his spirit with gentle music. Touched by the friendliness of the letter and the sweetness of the songs, Clovis accepted the offer of Theodoric, and the crisis was safely passed.

In his efforts to extend his realm and to influence his neighbors, Theodoric was brought into relations with all the barbarian rulers, particularly with those of the Franks and

Diplomatic  
usages of the  
barbarian  
kings

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<sup>1</sup> Cassiodorus, *Variae*, II, 41.

the Burgundians, and thus the forms and usages of the old Roman chancellery were passed on and became the common property of these kingdoms. Under the name of *nuntii*, *missi*, or *legati*, envoys were sent by these rulers not only to the Eastern Emperor but to one another. In one of his letters, Cassiodorus has expressed his estimate of the qualities essential to a diplomatic agent, an opinion which may furnish an instructive lesson to our own time. "If, indeed," he says, "every embassy requires a wise man, to whom the conservation of the interests of the state may be intrusted, the most sagacious of all should be chosen, who will be able to argue against the most crafty, and to speak in the council of the wise in such a manner that even so great a number of learned men will not be able to gain a victory in the business with which he is charged."<sup>1</sup>

In order that the embassy might be impressive as well as sagacious, for the transaction of important public business only illustrious men were chosen, especially men of learning. As the conduct of a mission often required freedom of judgment, the instructions given by the King were of the most general character, and appear to have been chiefly oral; but Cassiodorus has preserved and transmitted forms of letters of credence, whose Latin formulas continued to be used, practically without alteration, throughout the whole of the Middle Ages, and have furnished the general type of these documents for all subsequent times.<sup>2</sup>

Even among the most barbaric nations, the inviolability of envoys appears to have been recognized from very early times. To protect them from violence on their journeys, a supplement to the Salic Law imposed a *wergeld* of eighteen hundred soldi upon the murderer of an ambassador. Similar

CHAP. I  
B. C. 30-  
A. D. 500

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<sup>1</sup> Cassiodorus, *Variae*, II, 6. Also Löhren, *Beiträge*, p. 26.

<sup>2</sup> For examples, see Cassiodorus, *Variae*, I, 1; III, 1; X, 20; also Menzel, *Deutsches Gesandtschaftswesen*, p. 7; and Fumagalli, *Delle istituzioni diplomatiche*.

CHAP. I  
B. C. 30—  
A. D. 500

penalties are found in the codes of the Alamanni, the Saxons, the Frisians, and the Lombards.<sup>1</sup>

Provision for the entertainment of envoys travelling through the country was also customary in the barbaric kingdoms. An old Burgundian law provides that free lodging must be furnished to an envoy on his journey, and a sheep or other animal is to be added when required, under penalty of a fine of six soldi for refusal. All persons who have received presents from the King must entertain an envoy over night at their own charges, and failure to do this, when requested, is punished with a fine of twelve soldi. In like manner, an ancient Ripuarian law imposes a severe punishment for refusal to entertain an envoy travelling to or from the royal court.<sup>2</sup>

Upon his arrival at his destination, the envoy was received by a master of ceremonies (*magister officiorum*), a high officer of state, aided by several subordinates, who, in continuance of the old Roman custom, arranged the first audience with the sovereign and looked after the entertainment of the embassy. The duties of this officer at the court of Theodoric are explicitly mentioned by Cassiodorus, who says: "Intercourse with foreign peoples was so carefully mediated by him that foreign envoys were reluctant to return home, on account of the honorable reception accorded them."<sup>3</sup>

The ceremonies of reception at the Gothic court were in imitation of those customary at Byzantium, where great pomp and elaborate formality were in vogue, and included the exchange of gifts, and other oriental usages. Even the Frankish and the Visigothic kings, as we learn from incidental references of the chroniclers, endeavored to reproduce the

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<sup>1</sup> See the laws referred to in Pertz, *Monumenta Germaniae Historica*: *Lex Alamannorum*, XXX; *Lex Saxonum*, c. 7; *Lex Frisonum*, XVII; and Merkel's edition of *Lex Salica*, p. 96.

<sup>2</sup> See Pertz, as above, *Lex Burgundionum*, XXXVIII, 3-5; *Lex Ripuariorum*, 65, 3; and Löhren, *Beiträge*, p. 50.

<sup>3</sup> Cassiodorus, *Variae*, VI, 6; and Löhren, *Beiträge*, p. 58.



etiquette of Constantinople; for we read of ambassadors prostrating themselves before the Merovingian princes, and kneeling in the Asiatic manner before the throne of Euric.

It was not, therefore, owing to a want of forms of intercourse, that the barbarian kingdoms did not establish permanent international relations, and build up a system of sovereign states like that of modern times. It was, rather, because there was wanting that settled association between the people and the land which we now know under the name of territorial sovereignty, and because the relations between the peoples in whose name the kings governed demanded only the most elemental compacts with their neighbors. The great task that lay before them was the formation of political organisms by the blending of the conquering and vanquished populations, the revision of their laws, and the consolidation of society.

While the vicissitudes of those changeful times bore no permanent fruits prior to the Frankish conquests, in one respect they deserve our further attention here. The barbarian invaders had at last found permanent abiding places, and the great general migrations came to an end. The people tend, henceforth, to become identified with their geographical environments, and to form local patriotisms which give them a distinctive character. They group themselves closely around their immediate leaders, who have become the possessors of the soil; and these, in turn, retain their connection of military service with their superiors. And thus the ground is prepared for the development of that feudal order which is to prove the strongest reliance for purposes of self-defence when new invaders harry the land and the protection of the central power fails. Further than this, the settlement of the various races on the soil of the Empire sowed the seed of those national cohesions which were eventually to assert themselves as the organic elements of modern national development. The unity of the peoples, purely racial in the beginning, was, in time, to be transferred to the territories which they occupied and in which they continued to dwell;

CHAP. I  
B. C. 30-  
A. D. 500

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The seeds of  
future nationalities



CHAP. I  
B. C. 30—  
A. D. 500

The reign of  
Justinian

so that, at last, the persistent national units which compose modern Europe were to emerge from this confusion of migratory hordes. The identification of the people and the land was to become the basis of a new political order, challenging, and at last superseding, the idea of a universal empire with a new conception, — that of a family of nations.

During the remainder of the fifth and the first quarter of the sixth centuries, while the West was experiencing the rivalries and conflicts of the barbarian kingdoms, the Empire in the East was wholly preoccupied with its own affairs, defending itself from internal rebellions and the encroachments of the Persian monarchy, which was endeavoring to advance its frontiers toward the West.

In 518, Justin, an Illyrian peasant and soldier of fortune, obtained the imperial throne of the East, and in 527 was succeeded by his nephew, Justinian, whose brilliant reign aimed at the complete restoration of the old Roman Empire. Served by his able general Belisarius, Justinian was able to conquer the Vandals in Northern Africa and reduce that region once more to a province of the Empire, which it continued to remain until its final conquest by the Arabs.

The task of recovering Italy was of a more arduous nature, for Theodoric had organized its defence with unusual skill and foresight. His league with the other barbarian kings would, doubtless, have proved effective, had it not been for the defection of Clovis and the rapid extension of the Frankish monarchy, which swept away the Arian kingdoms upon which Theodoric depended for support.

When, finally, in his last years, after his generous tolerance of the Catholic faith, Theodoric beheld the work it had accomplished in destroying the power of the Arian kings and the extension of the Frankish rule, his rage burst forth in a torrent of persecution.<sup>1</sup> Believing the conspiracy of Rome

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<sup>1</sup> The work of Rome in its attempt to destroy the Arian heresy of the Goths will be discussed in the next chapter. The persecution with which Theodoric closed his reign was provoked by the hostile action of the Emperor. "Dès 523, commencent à Byzance les per-

against him to have entered his own palace, and suspecting the philosopher Boëthius, a high officer in his service, of secret negotiation with the Eastern Emperor, Theodoric cast him into prison, where he wrote his famous treatise on the "Consolation of Philosophy," — a message of comfort to many unhappy victims of despotic anger, — and at last put him to death after cruel tortures.

Although Theodoric may have been justified in his belief that Rome was plotting the downfall of his kingdom when his death should leave it enfeebled, it was too late to avert its doom. The fury of his vengeance in the execution of Symmachus, chief of the Roman Senate, and the imprisonment of the Bishop of Rome only precipitated the crisis; and a few years after his death in 526, his kingdom was swept away. But the victories of Belisarius and Narses, which temporarily restored Italy to the Empire, produced few permanent results. The wars of Justinian proved, however, that the imperial conception was not wholly wanting in vitality, and served to revive the traditions of a universal monarchy.

The great and abiding achievement of Justinian's long and heroic reign was the codification of the Roman Law, the most noble and lasting legacy of imperial Rome to modern Europe. The system of Justinian and his minister Tribonian comprised the "Code," consisting of the edicts and rescripts of the emperors, arranged in twelve books; the "Digest," or "Pandects," being the opinions and decisions of the great jurists, classed and grouped under four hundred and twenty-nine titles in fifty books; and the "Institutes," based on the earlier work of Gaius bearing the same name, and intended to serve as an introductory text-book, or treatise of fundamental principles.

CHAP. I

B. C. 30—

A. D. 500

Codification  
of the Roman  
law

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sécutions contre les ariens; l'intolérance des orthodoxes Justin et Justinien contraste avec la tolérance des hérétiques Zénon et Anastase; il y a d'abord, dans les édits de persécution, quelques exceptions en faveur des Goths de l'empire d'Orient; mais on ne tarde pas à les supprimer, et l'empereur se pose nettement comme le chef laïque de tous les catholiques contre les Vandales et les Ostrogoths." — L'écrivain, *Le Sénat romain*.

CHAP. I  
B. C. 30—  
A. D. 500

All these works were published in the years 533 and 534, and were declared to be the only legal standards. Justinian's own edicts and rescripts were afterward put forth in private compilations under the title of "Novels" (*novellae leges*).

The form imparted to this system, though far from scientific, gave to the substance of the Roman Law an elasticity that rendered it admirably suited to new applications, and fitted to become the source of law for future times. Introduced into Italy in its systematic form by Justinian's conquest, the Roman Law continued in use there except where the rude hand of the Lombard temporarily swept it aside, and in later centuries spread to other countries of Europe, serving to give support to the development of the great monarchies in their struggle with feudalism; and, finally, becoming the foundation of modern law for most of the European nations. But the chief interest of Justinian's work to the history of diplomacy lies in the fact that his compilations were to furnish to the jurists of the seventeenth century the foundation principles for a Law of Nations in its widest sense.

But even Roman jurisprudence could not long remain without change of form in the Eastern Empire, which was essentially Greek rather than Latin. By the seventh century, the study of the Latin language had been so much neglected in the East that the legal works of Justinian had become sealed books to the Eastern lawyers, and justice was administered according to local customs rather than by Justinian's Code. In order to restore it to practice, Leo the Isaurian had it partly translated into Greek, but only in the form of an abridgment, from which whole sections were omitted, with a view to adapting it to the transformed conditions.

In all that relates to community of thought and influence, the calm waters of the Adriatic presented a more impassable barrier than the mighty masses of the Alps; for that narrow arm of the sea thrust a dividing line between two distinct types of civilization and two great centres of dominion, separating not only the Eastern and the Western divisions of the ancient Empire, but two divergent systems of social and

The Greek  
character of  
the Eastern  
Empire

political existence. The East had inherited the old Hellenic life and culture, with its individualism in the sphere of thought, mingled with an oriental docility in the realm of action. The West had been more deeply penetrated by the barbarian invasions, and had before it the stupendous task of assimilating and organizing the new and refractory elements which had been thrust upon it. The problems of Constantinople were rather Asiatic than European; for it had to face the Persian and the Saracen, who held its attention eastward and southward. The problems of Rome were wholly European, for it had the task of permeating the barbarians with its leaven and shaping their wild and untamed impulses to its laws. Until the West poured its armed knights eastward to vindicate the rights of Christendom to its holy places, each of the great divisions of the old Empire lived a life apart, broken only by occasional embassies, the futile efforts of the Exarch at Ravenna to assert the claims of his imperial master, the angry controversies between ecclesiastics, and the recurring struggles of the imperial cities in Southern Italy to beat back the conqueror.

It is the fortunes and movements of the West that chiefly fall within our lines of interest, but we shall have frequent occasion to refer to the great Eastern Empire, which for nearly a thousand years after the embassy of Odoacer was to guard in its impregnable stronghold of Constantinople that ancient Greek civilization that was its principal inheritance and its greatest glory; until, in the middle of the fifteenth century, the hand of the Turkish invader scattered it abroad, and created by the permanent establishment of the Turk in Europe that great Eastern Question which still continues to vex the diplomacy of modern times. Through all these centuries, the traditions of the peace and glory of the old Roman Empire were never quite forgotten by the peoples of Western Europe; but it was from Rome, rather than from the distant shores of the Bosphorus, that they seemed to radiate.

CHAP. I  
B. C. 30-  
A. D. 500

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CHAP. I  
B. C. 30—  
A. D. 500

## AUTHORITIES

### Documents

The chief primary source of information regarding the social and political condition of Rome in the last centuries of the Empire is the *Codex Theodosianus*, published in 438 by Theodosius II, in which is codified the legislation of the later emperors. See Ritter's edition with Gothofred's notes, Leipzig, 1736-1743; also Hänel's 4th ed., Bonn, 1882. The *Notitia Dignitatum*, edited by Böcking, 1839-1853, and by Seeck, 1877, is an official register containing the titles of the superior functionaries of the Empire at the beginning of the fifth century, with other valuable information. See also the *Corpus Juris Civilis* of Justinian, Mommsen's edition.

Contemporary accounts of the barbarian world are found in the *Germania* of Tacitus, and the *De Bello Gallico* of Julius Caesar. The *Rerum Gestarum* of Ammianus Marcellinus is a history of the fourth century struggles with the barbarians, in which the author personally participated. The histories of the barbarian invasions given by the ecclesiastical writers are contained in Migne, *Patrologia*. The important collection *Monumenta Germaniae Historica* includes the Latin accounts of the Germanic peoples and the laws of the barbarian kingdoms. Begun by Pertz in 1826, it has been continued under the editorial supervision of Waitz (1875-1886), Wattenbach (1886-1888), and Dümmler. A general index was published in 1890. Cassiodorus, *Opera*, is the authority for the Ostrogothic kingdom. Guizot has published a collection of *Mémoires relatifs à l'histoire de France*, 1823-1835, which contains translations into French of the principal Latin histories of the barbarian kingdoms. Bouquet, *Rerum Gallicarum et Francicarum Scriptores*, Paris, 1738 et seq., is an old but still useful collection of authorities.

### Literature

An excellent general view of Roman institutions, supplemented by an extensive bibliography, is found in Bouché-Leclercq, *Manuel des institutions romaines*, Paris, 1886. A more particular account of the Roman constitution and administration is given by Madvig, *Die Verfassung und Verwaltung des römischen Staats*, Leipzig, 1882-1884; Herzog, *Geschichte und System der römischen Staatsverfassung*, Leipzig, 1884-1891; and Marquardt, *Römische Staatsverwaltung*, Leipzig, 1881-1885. See also Willems, *Le Droit public romain*, Louvain, 1888.

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*impérial à Rome et à Constantinople*, Paris, 1875; Beurlier, *Essai sur le culte des empereurs romains*, Paris, 1870; Wallon, *Histoire de l'esclavage dans l'antiquité*, Paris, 1847; Lemonnier, *Etude historique sur la condition privée des affranchis aux trois premiers siècles de l'Empire romain*, Paris, 1887; Lécivain, *Le Sénat romain depuis Dioclétien à Rome et à Constantinople*, Paris, 1888.

For the college and regulations of the Fetials, Voigt, *De Fetialibus Populi Romani*, Leipzig, 1852; Wetsels, *De Fetialibus*, Groningen, 1854; Weiss, *Le droit féodal et les Fétiaux à Rome*, Paris, 1883. For the relations of the Roman Empire with foreign nations, see Osenbruggen, *De Jure Belli et Pacis Romanorum*, Berlin, 1835; and Weiske, *Considérations sur les ambassadeurs des romains*, Zwickau, 1834.

On the development of Roman law, see Jhering, *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung*, Göttingen, 1875-1881. The political theory of the Empire is discussed by R. W. and A. J. Carlyle, *A History of Mediaeval Political Theory in the West*, Edinburgh, 1903.

For the religion of Rome and the progress and triumph of Christianity, Boissier, *La religion romaine d'Auguste aux Antonins*, Paris, 1874; De Broglie, *L'Eglise et l'Empire romain au IV<sup>e</sup> siècle*, Paris, 1856-1866; Marignon, *Le triomphe de l'Eglise au IV<sup>e</sup> siècle*, Paris, 1887; Boissier, *La fin du paganisme*, Paris, 1890; Schultze, *Geschichte der Untergangs des griechisch-römischen Heidenthums*, Berlin, 1892.

For the institutions, migrations, and invasions of the barbarians, see the following: Waitz, *Deutsche Verfassungsgeschichte*, Kiel, 1880; Wietersheim, *Geschichte der Völkerwanderung*, Leipzig, 1880, describes the migrations of the barbarians and contains a good bibliography; Ozanam, *Les Germains avant le christianisme*, Paris, 1847, is a study of the ancient Germans; Léotard, *Essai sur la condition des barbares établis dans l'Empire romain au IV<sup>e</sup> siècle*, Paris, 1873, presents a valuable discussion of the influence of the barbarians upon the Empire as *coloni* and *foederati*; Fustel de Coulanges, *L'invasion germanique et la fin de l'Empire*, Paris, 1891, and Villari, *Le invasioni barbariche*, Milan, 1901, give an account of the German invasions; Lefèvre, *Germains et Slaves, origines et croyances*, Paris, 1904, describes the barbarians; Geoffroy, *Rome et les barbares*, Paris, 1874, treats of the impression produced by the barbarians on the Romans; Hodgkin, *Italy and Her Invaders*, Oxford, 1885, gives a valuable account of the settlement of the barbarians in Italy between 476 and 535; Littré, *Etudes sur les barbares et le moyen âge*, Paris, 1867, contrasts the Roman and the German types of civilization, and describes the influence of the Romans on the barbarians; Bury, *The Later Roman Empire*, London, 1889, explains the relations of the barbarian kingdoms to the Eastern Empire. See also Bury's edition of Gibbon, *Decline and Fall of the Roman Empire*,

CHAP. I  
B. C. 30-  
A. D. 500

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London, 1896-1900. Martroye, *L'Occident à l'époque byzantine*, Paris, 1904, contains an admirable chapter on the diplomacy of Theodoric.

The forms and usages of diplomacy in this period may be found in Fumagalli, *Delle istituzioni diplomatiche*, Milan, 1802, which contains a history of diplomatic forms from the time of the Roman Empire down to the end of the Middle Ages, with an account of the manner in which the archives were kept; Löhren, *Beiträge zur Geschichte des gesandtschaftlichen Verkehrs im Mittelalter*, a Heidelberg dissertation, Frankfort, no date; and Menzel, *Deutsches Gesandtschaftswesen im Mittelalter*, Hanover, 1892.

## CHAPTER II

### THE REVIVAL OF THE EMPIRE IN THE WEST

**A**MID all the changes which accompanied the barbarian invasions, there was one form of authority which did not change, except to increase its importance. The Church was the only bond of union which still held together the fragments of the old Roman world. The barbarian kingdoms tended toward local isolation, but the Church supplied a medium of general intercourse. Everywhere in the West its traditions and interests were identical, and the turmoil and upheaval of the time only increased its sense of solidarity. Its bishops were the most intelligent and influential leaders of their day, and usually represented the most powerful families. Chosen by the community of the faithful, they were the connecting links between the lower and the higher circles of society. They naturally became, therefore, the trusted advisers of all classes, mediators and arbitrators between them, and often the governing heads of the communities in which they lived. And thus, the dismembered Empire found in the Church a refuge from barbarism, a bond of sympathy between all classes and sections, and a real organ of catholicity in its broadest sense.

The influence  
of the Church

#### I. THE RELATION OF THE BARBARIANS TO THE CHURCH

The Gothic invaders, though nominally Christians, were adherents of the Arian faith taught by their great bishop, Ulfilas, in the fourth century. Their kings, especially Theodoric, were, in the main, however, tolerant of the orthodoxy of Rome; but the fact that they were heretics tended at the same time to turn the Roman Christians against them, and to solidify the Church in its struggle for orthodoxy.

The Goths

## CHAP. II

A. D.  
500-800The rise of the  
Papacy

Standing alone in the West as the representative of apostolic authority, the Bishop of Rome was naturally accepted as the head of the Church, and his primacy placed him in a position as powerful as it was unique. For this pre-eminence there were many reasons. Rome had long been regarded as the central seat of government, from which all parts of the Empire were accustomed to receive their orders. It was not only one of the original patriarchates, but the only one in Europe. Above all, it was invested with an exceptional sanctity and authority by the legend of St. Peter, whose primacy among the apostles was attested by the sacred writings. The first to whom the divinity of Christ was revealed and the first to declare it, it was to Peter that the Lord had said, "Thou art Peter, and upon this rock I will build my church; and the gates of hell shall not prevail against it." Thus Rome, where Peter was believed to have died the death of a holy martyr as a confessor of his Lord's divinity, became the recognized fountain of orthodoxy to the Christian world. Its bishop, regarded as St. Peter's successor, was, in consequence, accorded the first place in the Christian hierarchy.

The struggle  
for primacy

Notwithstanding all these advantages, the primacy of Rome was not secured without a struggle. In the early days of the Church the equality of all the bishops was maintained, and the claims of St. Peter and his successors were considered to be only honorific. In fact, it was the East which appeared for a time most certain to obtain the ascendancy. It was there — at Nicaea, at Constantinople, at Ephesus, and at Chalcedon — that the great ecumenical councils were held, by which the doctrines and practices of the Church were determined. It would seem that Jerusalem might naturally have acquired pre-eminence as the birth-place of Christianity. But the East was beset with a passion for speculation, to which the Greek philosophy and language furnished both a provocation and a medium of expression; while Rome was penetrated with the practical spirit, and the Latin language was the native speech of law

and administration. As a result, the East was prolific in heresies, which divided and unsettled the religious community; while Rome was devoted to constructive work and effective organization. The Bishop of Rome, discountenancing the Eastern heresies, stood firmly for a simple faith, and by an inflexible adherence to traditional doctrine became the tribunal of appeal in the midst of dissension and controversy. When Valentinian III, in the second half of the fifth century, decreed that "everything which the Apostolic Chair has sanctioned, or shall sanction in the future, shall be considered as law for the Church," the authority of the Holy Father had won a conclusive victory. The great ability and long reign of Pope Leo I, together with his stalwart claims for the papal authority, aided by all these favoring circumstances, resulted in the firm establishment of the Papacy as an institution possessing a directive, and even a creative influence in the political development of Europe.

CHAP. II

A. D.

500-800

After the fall of the Empire in the West, the heresy of the barbarian kings and the frequent variances of the Papacy with the Eastern emperors led the bishops of Rome to feel the need of close relations with a powerful temporal ruler who could serve and defend the Church. The kingdom of the Franks was to furnish this friend and protector, and its alliance with the Papacy was to lay the foundations of a new imperial revival that nearly restored the political unity of Europe.

Need of a defender of the faith

A group of German tribes occupying the banks of the Rhine between the confluence of the Main and the sea, and the country between the mouths of the Rhine and the Maas, emerged into history about the middle of the third century under the common name of "Franks." Those who dwelt along the banks of the Rhine are known as the "Ripuarian" Franks; those who held the country to the southwest, on the Sala, or Yssel, as the "Salian" Franks. From the time of their first appearance the Franks were in contact with the Empire, first as invaders, then as confederates and defenders.

The Franks



## CHAP. II

A. D.  
500-800

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In 486, Clovis, or Chlodovech, one of the kings of the Salian Franks, began a series of conquests which laid the foundations of a consolidated Frankish state. Compared with the great kingdom of the Visigoths, and the powerful monarchy of Theodoric, the little realm of Clovis gave at first no promise of its brilliant future. Inspired, perhaps, by the insignificance of his possessions, the ambition of Clovis resorted first to diplomacy and then to war. Seeking the support of the other Frankish kings by forming a league of which he was the directing head, he rapidly extended the borders of the Franks, and with little consideration for his allies made himself the beneficiary of their united conquests.

Having overthrown the Gallo-Roman kingdom of Syagrius, he subdued the Thuringians, subjugated the Alamanni, and built up a formidable monarchy in Northern Gaul. Although a pagan, he married Clotilda, a Burgundian princess of the Catholic faith, whose influence was destined to contribute a new element of power to the Frankish king.

The conver-  
sion of Clovis

Dismissing the doubtful legend that Clovis, having invoked the aid of Christ in his battles, was baptized in the Catholic faith in fulfilment of a solemn pledge to accept Christ's divinity if he would grant a victory, we find a more probable account of his conversion in the report of Gregory of Tours. According to this historian, after one of the triumphs of Clovis, the Queen secretly ordered Remigius, Bishop of Reims, to make a personal appeal to the King to become a Christian. To the persuasion of the Bishop, Clovis replied: "Holy Father, I will gladly listen, but there is one difficulty, — my people do not wish to abandon their gods; still, I will speak to them as you propose." Upon his appearance before the people, and even before he had spoken, they are said to have exclaimed with one voice: "Pious King, we reject the mortal gods, and are ready to follow the Immortal God of whom Remigius preaches." With great pomp and solemnity, the King and several thousand of his armed men were then baptized in the name of the Holy

Trinity. Thus, as early as 496, the propaganda of Rome had won its first victory among the barbarian kings.<sup>1</sup>

Soon after his baptism, two letters were received by Clovis which show the lively interest taken in the event, whose consequences were, indeed, far greater than could be imagined by the wisest of that time. One of these letters was from Avitus, Bishop of Vienne, who had consecrated his life to the conversion of the Burgundians from the Arian heresy. His joy and gratitude express the sentiments of the orthodox bishops toward the new champion of their faith. "God will soon bring into his kingdom the entire Frankish people," he writes, "and every battle won by Clovis will be a new victory for the Church."

The second letter was from the newly elected Pope, Anastasius, who felicitates himself upon the coincidence of his elevation to the Papacy with the baptism of Clovis. He sends an envoy to express his happiness in this event, and invokes the benediction of heaven upon the person and the kingdom of his "glorious and well-beloved son, the King of the Franks," praying that his rule may rejoice the heart of the Church, his Mother, for whose defence he may become a "column of bronze in times of danger."<sup>2</sup>

At a moment when heresy threatened to divide the Church and leave Europe without even the semblance of its ancient unity, the support of the Frankish monarchy gave it the means of its final victory over schism and barbarism. On the other hand, by embracing the Catholic faith Clovis attached to his cause the old Roman population of Gaul, the influence of the orthodox clergy, and the support of the Papacy, which identified his monarchy with the interests of religion. At least one writer<sup>3</sup> has attributed to Clovis the

CHAP. II

A. D.

500-800

The rejoicing  
of the ChurchThe signifi-  
cance of the  
event

<sup>1</sup> See Junghans, *Geschichte*, p. 56, where the sources relating to the conversion and baptism of Clovis are critically reviewed. The number of Franks baptized is variously reported.

<sup>2</sup> The letters of Bishop Avitus and Pope Anastasius are found in Bouquet, *Rerum Gallicarum*, IV, 50.

Planck, *Geschichte der christlichen kirchlichen Gesellschaftsverfassung*, Bd. II, p. 25.

## CHAP. II

A. D.  
500-800

purely political purpose of conciliating the orthodox population, consolidating his new kingdom, and procuring a pretext for attacking the Burgundians and the Goths, who were heretical nations; but the conversion of the Frankish king, while leading to these results, does not require this explanation. To accept such a theory would be to invest the barbarian monarch with a maturity of statecraft which he certainly did not possess. It is true that he profited by his acceptance of the Catholic faith; for in his subsequent conflicts he thereby secured friends everywhere, even in the camp of his enemies. Assailing the Burgundians, and afterward the Visigoths, he thenceforth gave to his wars a quasi religious character, which enabled him to sweep with diminished opposition through Southern Gaul and extend his dominion nearly to the Pyrenees. Within his kingdom, the unity of faith which he secured rendered possible the complete fusion of the two racial elements, — the old Gallo-Roman and the Germanic populations, — while his relation to the Roman Church prepared the way for that later alliance of the Frankish monarchy and the Papacy which created the grandeur of the Middle Ages.

Clovis honored by the Emperor

The victories of Clovis won for him the recognition of the Eastern Emperor, who sent an embassy to invest him with imperial office. Whether it was the consulate or the patriariate which the Emperor conferred upon him, is a question involved in some obscurity; but it is certain that he was proud of the distinction, and assumed the purple tunic and the chlamys in the Church of St. Martin, where he placed a diadem upon his brow, and was hailed by the people as "Consul" and "Augustus."<sup>1</sup>

Toward the close of his career, Clovis fixed his residence at Paris, where he became deeply interested in the affairs of the Church. In 511, he convoked a synod at Orléans, over

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<sup>1</sup> The nature of the imperial honor conferred upon Clovis is discussed by Junghans, *Geschichte*, pp. 128, 130. The chief importance of the incident is, that it illustrates the exercise and recognition of a certain imperial supremacy over the West.

which he presided, and whose decisions he assumed the right to confirm. Dying soon afterward, he was interred in the Church of the Holy Apostles, which he had built. The Catholic Church had found in him a son and a champion whose service prepared the way for that mediaeval Empire which was to carry forward the imperial idea to a new period of supremacy.

CHAP. II  
A. D.  
500-800

But the realization of the hopes which Catholicism had attached to Clovis was destined to be long deferred. The successive partitions of the kingdom he had founded, the family jealousies, the palace intrigues, and the savage crimes of his descendants left little vigor for the great work which still lay before the Frankish kings. And yet this period of internal strife marks a new epoch in the barbarian movements. Up to the time of Clovis the invading hordes of the East had moved steadily westward, each new contingent pressing its predecessors forward until they had been swallowed up and encompassed within the limits of the Empire. Thenceforth that tide was to be turned backward, and conquest was to proceed in the opposite direction. The Franks alone, of all the barbarian races which had invaded the Empire, were not wholly absorbed by it; but kept, as it were, an open channel of communication with the great Germanic background. It was the Franks who, turning their faces eastward, not only checked further advances of the barbarians into Gaul, but carried their conquests into the barbarian world, gradually spreading among its savage tribes the civilization which they themselves had acquired. When, at last, in the eighth century, their three kingdoms — Austrasia, Neustria, and Burgundy — were finally united in one strong monarchy, the Franks were to become the defenders of Christendom against the Avars of the East and the Arabs of the South, who threatened to overwhelm Europe with a new deluge of barbarism.

The mission  
of the Franks

Retaining many of their ancient Germanic ideas and customs, the Franks acquired from their contact with the Romans a new political organization. Their kingship, which

The internal  
development  
of the Frank-  
ish monarchy



## CHAP. II

A. D.  
500-800

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had been elective, became hereditary and tended toward a personal despotism. Three causes contributed to the growing power of the Frankish kings, one of which was destined in the course of time to destroy the Merovingian dynasty, so ancient that its origin, derived from a half mythical Merovius, is lost in an unrecorded past.

The first of these causes was the extent of the royal domain derived through the appropriation of the old imperial lands in Gaul, which at the time of the conquest became the private property of the Frankish kings, and with the union of the kingdoms furnished a rich revenue to the royal treasury.

A second cause of ascendancy was the deep reverence for royalty which had become customary to the minds of the Gallo-Roman population under the Empire, and the habit of absolute obedience to a central authority acquired under imperial rule. These qualities of subordination, inborn in the old Roman provincials, gradually modified the strong individualism of the Germanic element and ended in the abolition of those ancient assemblies which had been the chief safeguards of equality and freedom among the German tribes.

The third cause of the tendency toward personal despotism was the organization of the royal administration and the concentration of public authority in the hands of the King's personal adherents. Of these there were two classes, those pertaining to the royal household, or palace, and the local governors. The royal household included the Mayor of the Palace, who was originally the King's chief servant, but finally came to be in effect his substitute; the Count Palatine, who acted as legal adviser and assessor; the Royal Secretary, the Treasurer, and the Marshal. These personal servants of the King were intrusted with duties which gave them the quality of public officers exercising a supreme authority. The local governors were the counts and dukes, persons appointed by the King, who administered justice, raised revenue, and commanded the army in the parts of the realm over which they presided.



Hardly less serviceable to the cause of royalty were the bishops, who at first supported the monarchy because it was friendly to the Church, but soon received the confirmation of their election at the hands of the King, were eventually even chosen and appointed by him, and found in their direct relation to his person a means of maintaining their own authority when it was menaced or invaded by the counts and dukes. The spirit of the imperial system thus reappeared in the organization of the Frankish monarchy, but not without resistance; for the Frankish aristocracy, inspired by the ancient Germanic sense of independence, often combined to throw restraints about the royal power. It was the commencement of that long struggle between central authority and local sovereignty which forms the principal drama of European history.

CHAP. II

A. D.  
500-800

The most rude and untamed of the Germanic tribes who invaded the Empire were the Lombards. In the second century they had dwelt on the banks of the Oder, but following in the track of the Goths, and in alliance with the Avars, they pressed into Pannonia, and were finally established by Justinian in Noricum, whence they furnished recruits to his army in the reconquest of Italy. So ruthless by nature that they plundered friend and foe alike, in 568, reinforced by contingents from other tribes, the whole people crossed the Alps and descended into Northern Italy. So undisciplined that for a long period they were without a king, they ravaged the land with merciless ferocity. In the North they met but a feeble resistance, and easily took possession of the country. Choosing a king, and fixing their capital at Pavia, the Lombards divided the Italian peninsula with the Eastern Empire, which left its Italian domain under the charge of an exarch, residing at Ravenna, and the dukes to whom the local control was intrusted. Gradually absorbing the Roman civilization, and at last through the influence of Queen Theodelinda accepting the Catholic religion, the Lombards became great builders, whose monuments still lend a distinctive character to Northern Italy. In the person of their

The Lombards  
in Italy

## CHAP. II

A. D.  
500-800

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The state of  
Italy after the  
Lombard oc-  
cupation

king Liutprand they at length found a leader who appeared about to conquer and reorganize the whole of the Italian peninsula, when the papal diplomacy suddenly changed the situation and gave a new direction to the history of Europe.

The struggle between the Empire and the Lombards for the possession of Italy left the entire country in a state of impoverishment. Placed under the protection of imperial officers sent from Constantinople to govern them, their lands fallen into the possession of an aristocracy that often joined to its ownership of the soil political authority derived from the Eastern Emperor, the Italian people, outside of the cities, fell into a social condition closely bordering upon feudalism. Public authority and private property became almost identified. The few small proprietors who remained, weary of supporting the burden of taxation, worn out and discouraged, sought release from their misfortunes by alienating their little properties and placing themselves under the protection of their stronger neighbors. It was the Church which most largely profited from this general abandonment of life. The peace of the sanctuary and the promised blessings of another world were welcome to men who had been robbed by the invader and the imperial authorities alike, and who had found this life so unfriendly and disappointing. Numbers of small proprietors, and some great ones, eagerly renounced their earthly possessions, gladly confiding them to the care of the Church. Thus the clergy became more and more a dominant force in society, the custodian of its substance and the regulator of its life. Almost everywhere it was the bishops who became the protectors of the people against official rapacity and private greed, nourishing the poor, managing the finances of the municipalities, superintending their public works, and in many cases controlling the whole civil administration.

The spread of  
monasticism

Already long practised in the East, monasticism found in the sixth century every favorable condition for its development in the West. In 528, St. Benedict founded the order that bears his name, and erected a monastery at Monte

Casino.<sup>1</sup> Clothing with sacred authority the old imperial principle of absolute obedience, he created a new world for the troubled mind of his age by the sane industry and simple life of his new order, to which multitudes devoted themselves with absolute consecration. Scattered everywhere throughout Europe, his disciples needed the protection of a central power, and this they found in the papal authority at Rome. In return, a vast army of faithful adherents, truly international in its character, was thus placed at the disposal of the Pope. How great an influence it has had upon the destinies of Europe is shown by the fact that this one monastic order, leading a life of tranquil toil and furnishing to that age an asylum for intellectual culture, is said to have given to the world, besides numberless industrious tillers of the soil, skilful artisans, and patient teachers, twenty-four popes, two hundred cardinals, five thousand six hundred archbishops and bishops, and more than fifteen thousand writers.

CHAP. II

A. D.

500-800

## II. THE REUNIFICATION OF EUROPE BY THE CHURCH

All the circumstances of the time tended to strengthen the influence of the Papacy. Even the miseries of Rome during the Lombard invasion, when her churches were pillaged, her priests massacred, and her population nearly exterminated, furnished occasion for enhancing the prestige of her bishop; who, in the person of Gregory I, called the Great, seemed to the people of Rome like a messenger sent from heaven. Descended from an ancient and honorable Roman family, possessing all the culture of his time, and having served as prefect of the city, Gregory had renounced his ample fortune, founded seven monasteries, and retired from the world. From the seclusion of his cell on the Aventine, he was sent, much against his will, as the envoy of Pope

The growth of  
the Papacy

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<sup>1</sup> For the Rule of St. Benedict, see Henderson, *Select Documents*, pp. 274, 314; also for the Latin text, Migne, *Patrologia*, vol. 66, column 215.

## CHAP. II

A. D.  
500-800

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Pelagius II in his negotiations with the Emperor of the East. After a sojourn of five years at Constantinople, during which he perceived how unable to govern the West the Eastern Empire really was, Gregory, returning to Rome in 590, was elected with unanimity to succeed Pelagius, who had fallen a victim to the plague. With great reluctance he assumed the papal office, and his first act was to exorcise the pestilence which had afflicted the city by a great expiatory procession, in which the whole population had a part. The august spectacle was soon followed by a cessation of the plague, and Gregory was thenceforth regarded as God's instrument for the salvation of the city. Poet and musician, as well as theologian, he appealed to the imagination of the Christian world with a new and fascinating power. More than any other man of his time he became the interpreter of its spirit and ideals, and a new dominion of Rome dates from his pontificate. The city was lifted once more from its ruins, rebuilt and remodelled, the relics of mere secular power were pushed into the background, and henceforth a churchly Rome, the seat of a new spiritual dominion, asserts its pretensions as the capital of the world.

The adminis-  
tration of  
Gregory the  
Great

Master of Rome, whose government was practically in his hands, Gregory became the recipient of gifts and legacies, including rich domains in Italy, Gaul, Asia, and Africa, — by which his power was incredibly augmented. The growing patrimony of St. Peter called for pontifical officers to administer it in nearly all the provinces, as well as in all parts of Italy; while the personal virtues of the Pontiff rendered him the final arbiter in the disputes of the clergy everywhere. Thus were opened those avenues of information and influence which were to render the Papacy for centuries the one really international institution in the world.

But the correspondence of Gregory was not confined to his pontifical officers and the ecclesiastics of other lands; he wrote letters to the Emperor at Constantinople and to the barbarian kings, but particularly to the Empress and to other notable women, faithful Catholics, whose influence was de-



sired for the Church. Thus Theodelinda, Queen of the Lombards, became the means of turning the Lombard kings to the orthodox faith; and Ingunthis, a daughter of Queen Brunhildis, influenced by her orthodoxy the rescue of Spain from the Arian heresy.

Sure of himself, his Romans, and his cause, Gregory displayed a boldness which contributed greatly to the prestige of the Papacy. Having founded its temporal power by his government of Rome and his administration of the patrimony of St. Peter, he did not hesitate to negotiate directly with the King of the Lombards without consulting the imperial exarch. And yet he remained the loyal subject of the Empire, flattering the Empress when he could not prevail with the Emperor, and making haste to greet with his homage the Emperor Phocas when he succeeded to the throne. The attitude of the Papacy toward the imperial authority was later to have an interesting history, but for another century it maintained its traditional subordination.

Two great dangers menaced the primacy of the Roman pontiff,—the persistence of heresy, especially of the Arian doctrine, and the threatened development of national churches. Against both of these perils there was one strong bulwark, the loyalty of Rome to the divinity of Jesus Christ. In his name, it spoke with an authority which defied all human contradiction. Maintaining with equal boldness and tenacity the divine character of its founder and the divinely appointed supremacy of its bishops, Rome could tolerate no rival and would admit no equal. Everywhere in Western Europe were powerful ecclesiastics who accepted these claims to obedience; but most important is the fact that the Roman faith was essentially missionary and proselyting in its character. While, therefore, Arianism sent out no missionaries, Rome always maintained a powerful propaganda. The imposition of Roman authority upon remote regions was an ancient imperial practice, and the means and methods of establishing and maintaining its influence were perfectly familiar. The missionary movement emanating from Ireland under the

## CHAP. II

A. D.  
500-800

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The papal  
missions



## CHAP. II

A. D.  
500-800

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direction of the holy monks of Iona, which, moved by the same conception of its divine authority, was spreading over Europe, inspired anew the missionary zeal of the Papacy. Gregory the Great would gladly have consecrated his own life to a mission among the barbarians, but was restrained by his large preoccupations. He saw in the success of the Irish missions, independent in their origin and direction, a grave danger to the unity of the Church, and set about a counter movement to correct this tendency toward decentralization. The Visigoths in Spain and the Anglo-Saxons in Britain were special objects of his solicitude, and in those remote regions his faithful monks labored to convert both kings and people to the faith of Rome. His success was marvellous, and while Spain was soon to be lost for a while to Christendom through the invasions of the Arabs, Great Britain was won for the Catholic faith.

The conver-  
sion of Great  
Britain

The conversion of Great Britain marked an immense advance in the power of the Papacy, for it was from that island that missionaries went forth for the subsequent conquest of Germany. Designating in advance Augustine, prior of the monastery of St. Coelius, as Bishop of Great Britain, Gregory sent him with forty of his monks to win that region for the Papacy. Furnished with interpreters by the sons of Brunhildis, to whom the missionaries bore letters from the Pope, they easily converted Ethelbert, King of Kent, who had married Bertha, daughter of the Frankish king Charibert. Establishing their centre at Canterbury in an old Roman basilica, the monks, by their imposing ritual, their elevated doctrine and their austere lives, soon attracted the barbarians, who with their king were baptized by thousands. Gregory rewarded Augustine by bestowing upon him the primacy over all the British Christians, but the native British bishops resented the authority of Rome and a long struggle ensued. The balance finally turned in favor of Rome when the monk Wilfrid converted King Oswin of Northumbria in a debate with Colman, Bishop of Lindisfarne. "Is it true, Colman," said the King, "that the Lord

said to Peter, 'Thou art Peter, and upon this rock I will build my church'?" "It is true," replied Colman. "Do you admit that the keys of the kingdom of heaven have been intrusted to him?" "Yes." "Then," said the King, "I do not wish to be opposed to the gate-keeper of heaven, for if he turns his back upon me when I present myself for admission, there will be no one to open for me."<sup>1</sup> Northumbria was won for Rome, and Colman and his followers retired to Ireland.

CHAP. II

A. D.  
500-800

While Rome was thus creating a new European unity by its work within, events of immense importance were compelling Christendom to assume a new solidarity by pressure from without. The power of the Saracens was rising to ascendancy in Western Asia, and stripping the Eastern Empire of its African possessions. Europe was soon invaded by these new barbarians from the South, and by 713 the Visigothic kingdom had disappeared, Spain was entirely at the mercy of the Saracens, except in the fastnesses of its northern mountains, and the new and fanatical religion of Mohammed, sword in hand, was contesting with Christianity the supremacy of the earth. Thenceforth it was Christendom against the Infidel, Europe against Asia. At such a time, patriotism and heresy could not dwell under the same roof. By the conquests of the Arabs the patriarchates of the East, — Jerusalem, Antioch, Alexandria, — with the exception of Constantinople, were in the hands of the Mussulmans. But Constantinople had ceased to be possible as the capital of Christianity. It had become merely the frontier of Christendom, while Rome had become its stronghold.

The conquests  
of the Arabs

A succession of events had rendered the relation of the Pope to the Eastern Empire one of serious embarrassment. Although remaining a submissive subject of the Emperor, the Pope had become the only effective authority in Italy. When the Lombards became loyal Catholics, it was the Pope

The relations  
of the Pope  
and the Em-  
peror

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<sup>1</sup> See Bede, *Ecclesiastical History of England*, for the mission of Augustine and conversion of Great Britain.

## CHAP. II

A. D.  
500-800

who had by his expostulations preserved from their conquering ambition the Italian possessions of the Empire. In return, the Papacy had been subjected to humiliations and injuries which it could not easily forgive.<sup>1</sup> The right of the Emperor to confirm the election of the Pope had never been questioned; but, in 685, the Emperor committed the slight of delegating this prerogative to his exarch at Ravenna. The superiority of the Bishop of Rome over the Patriarch of Constantinople had been proclaimed by the Emperor Phocas, on the ground that the church at Constantinople was not founded by an apostle, but was classed as a patriarchate simply because Constantine had made that city the capital of his Empire; but the pretensions of the Eastern patriarchate had been revived and sustained by the later emperors. Constantine III, as if to show his contempt for the papal authority, had not only exempted the Bishop of Ravenna from the jurisdiction of Rome, but excluded the Pope from the ceremony of his consecration, and raised the bishopric to the rank of a patriarchate by sending the *pallium* to his new favorite. Even greater indignities had been perpetrated upon the Papacy. The Emperor had refused to recognize the election of Pope Martin I, and ordered the Exarch to seize his person and send him to Constantinople, where he was rudely treated and sent away to die in exile. Justinian II had endeavored to subject Pope Sergius to similar treatment, but he was defended by the soldiers, and the imperial officer sent to arrest him sought refuge under the papal bed.

The conflict  
between the  
Emperor and  
the Pope

Notwithstanding all these causes of estrangement, the sovereignty of the Emperor was still acknowledged at Rome,

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<sup>1</sup> In 663, the Emperor Constans II came to Rome, where he was met by the Pope, Vitalian, six miles from the city gates, and escorted to St. Peter's Church. Having performed his religious rites, during his twelve days' visit he was entertained in the Lateran palace by the Pope; but requited this hospitality by stripping the city of its ornaments, which he carried as spoil to Naples and afterward to Syracuse. See Paul Diaconus, *De Gestis Longobardorum*, V, 6, 7.

but it was felt to be a burden. It was inevitable that two such positive characters as Pope Gregory II and the Emperor Leo III should come into conflict. The Emperor's proscription of the sacred images in 726, which he attempted to enforce in Italy, aroused the indignant opposition of Gregory. The popular excitement became intense, and for a time rose to open rebellion. The Pope addressed the Emperor in terms that revealed the dangerous depths to which the conflict between Rome and Constantinople was now leading. An attempt was made to capture the person of Gregory and either take his life or carry him into exile; but the plot was discovered and the design prevented. In letters of scathing bitterness, Gregory defended the rights of St. Peter and breathed defiance against the Emperor. In reply, Leo warned him that he himself was both priest and emperor, and commanded the Pope's submission.

CHAP. II

A. D.  
500-800

The Lombards, loyal to the Pope, proposed to drive the imperial officers out of Italy; and Liutprand, deeming the occasion favorable for his long meditated design of annexing the entire peninsula to his kingdom, in 727 began its execution. The Exarch of Ravenna having been slain, the Lombard king promptly invaded the Exarchate and was treasonably admitted to the city. The popular commotion made his path of conquest easy, and he soon captured several towns, penetrating even into the territory of Rome.

The ambition  
of Liutprand

Gregory witnessed with alarm the progress of the conqueror, and raised his hand to restrain him. Upholding the rights of the Empire, he rebuked the course of the King; who, as a pious devotee, desisted from further conquests, and as a token of his submission bestowed upon the Papacy the city of Sutri, the first contribution outside of Rome to the temporal sovereignty of the Pope.

But a new fear had been awakened in the mind of Gregory, who saw in the triumph of the Lombard monarchy a fresh menace to the freedom of the Church. He promptly turned toward the young Republic of Venice in search of aid to liberate Ravenna and the Exarchate from the grasp of the

The diplom-  
acy of Gregory II



## CHAP. II

A. D.  
500-800

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Lombard. Surprised by the sudden attack of the Venetian fleet, and embarrassed by the defection of the dukes of Spoleto and Benevento in Southern Italy, Liutprand was obliged to evacuate the Exarchate; but the disappointed Lombard was not slow to learn the lesson in diplomacy which the Pope had taught him. To the amazement of every one, he not only concluded peace with the Emperor, but formed a friendly alliance with him, for the joint purpose of punishing his rebellious dukes and aiding the Emperor to restore his authority at Rome.

The position of the Pope was unexpectedly embarrassing, but his triumph was destined to be complete. At the moment when Rome seemed doomed to fall into the hands of the Lombards, Gregory, perceiving that armed resistance was certain to be ineffectual, resorted to another expedient. Appearing unprotected in the camp of Liutprand, Gregory, clad in his priestly vestments, sought the tent of the King and reproved him for his sinful act in besieging the sacred city. Falling upon his knees before the Holy Father, the penitent monarch confessed his fault; then, having been led for absolution to the tomb of St. Peter, he divested himself of all the insignia of his royal office and laid them in contrition at the feet of the Apostle.

But the policy of Gregory was neither to destroy the Lombard power nor to annihilate the influence of the Empire; it was, rather, to secure a free hand for the Papacy by a dexterous use of the one against the other. Having witnessed the departure of the Lombard army, he dismissed a pretender to imperial power near Rome in a different fashion. One Tiberius Petasius having prematurely proclaimed himself Emperor of the West, Gregory placed the imperial Exarch in command of the Roman troops, and the head of the usurper was soon afterward sent as a trophy, first to Rome and afterward to Constantinople.

Thus, by balancing against each other the authority of the Empire and the power of the Lombard, Gregory maintained his supremacy in Italy until his death. He laid the founda-



tion for the independence of the Papacy, but in doing so he evoked a spirit which was to give Italy no rest for more than a thousand years. The political unity of Italy and the independence of the Papacy seemed to successive generations to be incompatible conceptions. A dread of restriction upon its freedom and authority filled the Papacy with distrust of all effective political control, and inspired its classic policy of rendering the foreigner impotent at Rome while using him to keep Italy divided. Thus Rome became the focus of political intrigue in every great historical crisis, and Italy the scene where empires were to be won or lost.

CHAP. II

A. D.  
500-800

The power of the Pope at Rome had, since the time of Gregory I, never ceased to be preponderant; but the attitude of the Papacy in defending the sacred images rendered the Pope the recognized leader of the Roman population, who placed him at the head of their revolt. When Gregory III assumed the papal office in 731, the relations of Rome with the Empire continued to be strained, and Italy was gradually awakened to the depth of the chasm which the policy of the iconoclastic Emperor had opened. One of Gregory's first acts was to send letters to the Emperor in which the subject of the sacred images was presented in the spirit of his predecessor; but the unhappy envoy who bore these letters was so terrified by the power of Leo that he dared not present them, and returned to throw himself in tears at the feet of the Holy Father.

The independ-  
ence of Greg-  
ory III

In November, 731, a great council, composed of ninety-three Italian bishops, assembled in St. Peter's Church, and excommunication was pronounced upon all who destroyed the sacred images. A second envoy was sent to bear this ultimatum to the Emperor, but the luckless messenger was detained by the imperial officers and cast into prison. In open defiance of the imperial decree ordering the destruction of images Gregory expended vast sums upon the decoration of the churches at Rome, and art flourished under his rebellious patronage.

While with one hand the defiant Pope built and embel-

## CHAP. II

A. D.  
500-800

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lished churches, with the other he restored the walls of Rome and prepared for that crisis which his conduct was inviting. In 733, Leo sent a fleet to reduce Italy to his authority, but the shipwreck of his vessels in the Adriatic defeated the purpose of this expedition. Impotent to enforce his will at Rome, he wreaked his vengeance on the cities of Calabria and Sicily, increasing the burdens of his subjects there and confiscating the valuable properties which pious donors had bestowed upon the Holy See.

The policy of  
Gregory III

The violence of Leo, far from intimidating the energetic Gregory, only tended to bring to consciousness the perilous position of the spiritual power, now threatened with the vengeance of the Empire and still exposed to the ambition of the Lombards. Gregory II had made a bold struggle for the independence of the Papacy, and to secure it had thwarted the plans of Liutprand for the unification of Italy under the Lombard rule. Gregory III now perceived that, unless the Papacy organized its own defence and provided itself with a new basis of security, it was destined to be forever the appanage of temporal rulers, who would defeat its mission as the head of the Universal Church.

Accordingly, reverting to the old Roman idea of the republic, he proposed the creation of a free state, of which the Pope should be the head. But the realization of this idea was invested with serious difficulties. Lombard and Byzantine alike would oppose the "*Sancta Respublica*" which would plant in the heart of Italy a new centre of power adverse to the interests of both. Where, then, was Gregory to find the support necessary to the execution of his plan?

Gregory's  
alliance with  
the Duke of  
Spoleto

The castle of Galliensis, in Roman Tuscany, had been taken and held by the Lombard Duke of Spoleto, and Rome had never been able to recover it. By a secret treaty, Gregory now obtained the restitution of the stronghold to the "Holy Republic" and the "Roman army remaining in the body of Christ,"—expressions which imply the union of Roman liberty and papal government in a Christian theocracy.

The purpose of Trasamund, Duke of Spoleto, in making

this secret treaty — to which Godschalk, Duke of Benevento, also acceded — was to throw off the Lombard suzerainty and establish an independent rule; and Gregory, whose policy was to weaken as much as possible the Lombard power, entered with enthusiasm upon this enterprise.

CHAP. II

A. D.  
500-800

Liutprand, having discovered the plan, promptly invaded Spoleto, in 739, and Trasamund, unable to resist him, sought refuge with the Pope, who took him under his protection. When Gregory refused to surrender his *protégé*, Liutprand seized and plundered four cities belonging to Rome; and, having made this reprisal, returned to Pavia. With the aid of the Roman army Trasamund was able to recover his duchy, but was no sooner restored to power than he resolved to abandon his alliance with Gregory, and refused to aid in the recovery of the Roman cities which Liutprand had taken.

Thus betrayed and isolated, Gregory found himself in the deepest distress; for he was not only in revolt against the Emperor, he had now drawn upon himself the open hostility of the Lombard king, whose piety as a Catholic could not be depended upon to restrain his vengeance.

The dream of an independent Holy Republic under the government of the Pope seemed about to be rudely dispelled, but out of Gregory's desperate embarrassment was born the settled policy of the Papacy for centuries to come. As no purely Italian influence could save its freedom, the stranger must be invoked to establish the temporal security of the Pope at Rome. When Rome was once firmly grasped, Italy would gradually be won. With Italy as a basis, the Republic of God would extend its empire over the earth, as old Rome had extended its dominion. While the oppression of the Empire was an inconvenience to be averted, its ideal was not to be destroyed; for it was in the power of its traditions and the splendor of its theory that Rome was to be made once more the mistress of the world.

Gregory's so-  
lution of his  
problem

In the light of this project, all other perils paled into insignificance beside the ambition of the Lombard monarchy. How to arrest its progress was the one problem which Greg-

## CHAP. II

A. D.  
500-800The decay of  
the Merovingian dynasty

ory was called upon to solve. The solution was bold, but simple, — Gregory sent the keys of the tomb of St. Peter to Charles Martel.

The kingdom of the Franks had not performed for Christendom the great work of which the conquests of Clovis had given promise. The crimes and cruelties of the Merovingian kings rendered the record of their reigns a dreary chronicle, and stamped their dynasty with every mark of degeneration. The untamed passions of the barbarian were ill restrained, and the energies of the three kingdoms were largely wasted in fruitless tragedies. Although Clothar II had united the government of all the Franks in his own name by the murder of Brunhildis in 614, he profited little by this concentration of power. Owing the union of the kingdoms to the treachery of the nobles, Clothar II was held in check by the bishops, dukes, and counts, who from his time onward participated in framing legislation. His reign is notable also for the beginning of the ascendancy of the mayors of the palace, who were to become the virtual rulers of the Franks. These officers now demanded that their appointment should be for life, and not as before during the King's pleasure. Toward the close of his reign, Clothar made his young son Dagobert the King of Austrasia, under the counsel of two able men, — Arnulf, Bishop of Metz, and Count Pippin of Landen. Arnulf was one of the best and wisest men of his time, and Pippin, made Mayor of the Palace, became the virtual ruler of Austrasia. The two united their families by a marriage from which sprang the famous line of kings and emperors who were to establish the greatness of the Frankish monarchy. When Clothar II died in 628, his son Dagobert became the ruler of the three kingdoms, but the power was largely in the hands of Pippin. From this time forward the history of the Franks is marked by the progressive degeneration of the "*rois fainéants*," or do-nothing kings, and the increasing authority of the mayors of the palace; until Charles Martel, an illegitimate son of Pippin the Younger, in 717 became Mayor of the Palace in Austrasia, and in 719 master of all the kingdoms.



For twenty-six years (688-714), Pippin the Younger, as Mayor of the Palace, had been in reality the ruler of all the Franks. In this long period he had done much to repair the ancient boundaries of the Frankish realm and to give new vigor to its administration. He had seen that the greatest peril to the power of the Franks was the vast barbarian population which lay to the East, still untamed and pagan, and liable to invade the territories of the monarchy upon some favorable occasion and sweep away its very foundations. Pippin, therefore, had sought to accomplish the conversion of Germany to Christianity, by which he hoped not only to avert the impending danger, but to prepare the way for the future extension of the Frankish rule. Accordingly, Pippin invited from England as missionaries to Germany Willibrord, who became an apostle to the Frisians, and Suidbert, who labored among the Hessians. The enterprise grew to great proportions, and the conversion of Germany became the chief event of the century. Numbers of devoted men — St. Amand at the mouths of the Rhine, St. Emmeran and St. Rupert in Bavaria, St. Gall in the vicinity of Lake Constance, St. Killian on the banks of the Main, and above all the English monk Winfrid, better known as St. Boniface, whom Gregory III finally consecrated as archbishop and placed in charge of the whole movement — toiled heroically for the accomplishment of this great task.

In this co-operation between the Papacy and the Frankish monarchy was laid the foundation of an alliance of vast significance for the future of Europe. The Franks found in it a means of preparing the extension of their realm, and the Papacy an aid in establishing its own supremacy. It was in the hope of consolidating this *entente* and thereby securing the independence of the Papacy in Italy, that Gregory III sent the keys of the Apostolic tomb to Charles Martel.

Escaping from the prison in which his stepmother, Plectrudis, had confined him, in order that she might rule in the name of her grandson after the death of Pippin in 715, the young Charles found the Frankish kingdom in the throes of

## CHAP. II

A. D.  
500-800The work of  
Pippin the  
YoungerThe victories  
of Charles  
Martel



## CHAP. II

A. D.  
500-800

civil war. With an energy which won for him the sobriquet the "Hammer," he soon made himself the undisputed master of the realm. Thenceforth, although the ancient dynasty was still permitted to wear the crown, it was Charles Martel and his successors whose will was law among the Franks. For twenty-two years (719-741) he carried out the policy of his father, Pippin the Younger, repressing anarchy among the turbulent nobles, restoring the ancient boundaries, and spreading Christianity among his pagan neighbors with the edge of the sword. He punished the Saxons for their interference in the civil war of the Franks, subdued the Frisians, and made war on the Bavarians. Everywhere the armies of Charles had the friendship of the missionaries to prepare their way, and in return he sustained them with a zeal as uncompromising as their own. It was only fear of the Frankish power which withheld the murderous vengeance of the pagans when, as a proof of the impotence of their gods, Boniface with his own hand hewed down the sacred oak of Woden at Fritzlar. "Without the aid of the Prince of the Franks," wrote St. Boniface to Daniel, Bishop of Winchester, "I should not be able to rule my church, nor defend the lives of my priests and nuns, nor keep my converts from lapsing into pagan rites and observances."<sup>1</sup>

But a new task was preparing for Charles in the South. The Saracens had crossed the Pyrenees, and in 732 were marching through Southern Gaul. Storming Bordeaux, they advanced with an immense army to near Poitiers. It was an invasion that threatened disaster to Christendom, for the Saracens were bent on permanent conquest, and had penetrated to the heart of Gaul. The fate of Europe seemed to hang upon the issue. Crossing the Loire near Tours, Charles advanced with his army and faced the enemy. For seven days the lines of battle threatened each other, then the tempest burst. When darkness came the Arabs disappeared,

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<sup>1</sup> The letter of St. Boniface to Daniel of Winchester is found in *Bonafatii Epistolae*, 63. See Jaffé, *Monumenta Carolina*.

their leader left dead upon the field. Retreating to the Pyrenees, the remnant of the Saracen host hastened back to Spain, but returning made successive inroads into South-eastern Gaul. Before 740, however, Charles had driven the Moslem out of Provence, recovered Arles and Avignon, and confined the invaders to a portion of Septimania. He had saved Christendom from the Infidel, and had become the greatest hero of his age. It was for this reason that Gregory III sought to invoke the assistance of Charles Martel.

CHAP. II

A. D.  
500-800

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It was, without doubt, at the suggestion of St. Boniface that Gregory III took this step. In 738, that great servant of the Church had made a journey to Rome, to confer with the Pope regarding the establishment of his authority in Germany. The Bavarian and other German bishops had shown themselves indisposed at first to accept that subordination to Rome which the Pope had expected and which Boniface had steadfastly labored to inspire. But the success of his missions had greatly strengthened the hands of Boniface, and he enjoyed the perfect confidence and powerful protection of Charles Martel. The Mayor of the Palace, in quelling the anarchy of the Frankish kingdom, had treated harshly many of the bishops, handling them exactly as he did the secular nobles whom he found recalcitrant to his will, and giving their lands to others who were faithful to his person and policy.

The work of  
St. Boniface  
for the Papacy

It was a rude hand, without doubt, which Charles Martel laid upon the Church in Gaul, and loud complaints went up to Rome against him. But in Boniface he had a friend who recognized his immense service to the Church, and this great organizer of men saw in the alliance with the Frank the only safeguard of the Papacy. After spending more than a year at Rome in council with the Pope, Boniface returned to Germany with full powers to convoke semi-annual synods of the bishops, and charged with the duty of imposing upon them "the Holy Catholic and Apostolic tradition of the Roman Church." Supported by the authority of Charles, after

## CHAP. II

A. D.  
500-800The policy of  
Boniface

ceaseless and energetic labors, Boniface succeeded in organizing the Church in Germany in affiliation to the Church at Rome.

The letter which Pope Gregory III had sent with the Apostolic keys in 741 found Charles Martel indisposed to molest the King of the Lombards, who had been his ally in the war against the Saracens, and both Gregory and Charles soon after died. But the policy of Boniface was in no respect abandoned. The death of Charles Martel in 741 brought to power his two sons, Carloman and Pippin, called the Short, between whom the authority was divided. Boniface and Pope Zacharias, the successor of Gregory III, immediately proceeded, with the aid of Carloman and Pippin, to the reorganization of the Frankish Church.

Clothed with full authority by the Pope, Boniface presided over the synods and councils which from 741 to 748 achieved the task which he had outlined, and which resulted in the complete establishment of the papal authority. First at Köln and afterwards at Mainz, Boniface was installed as archbishop, to superintend the system he had introduced. In 748 he crowned his great enterprise by imposing upon the bishops of Gaul, as he had already done upon those of Germany, complete obedience to the authority of the Pope. The formula of their oath bound them to absolute submission to St. Peter, Prince of the Apostles, and his Vicar. And thus, before this venerable prelate expired by a voluntary martyrdom, he saw the supremacy of the Papacy acknowledged in Great Britain, Germany, and Gaul, as well as in Italy. A new spiritual empire had been founded upon the orthodoxy of Rome, and nearly the whole of Western Europe had been united by invisible bonds of faith and obedience. It needed only one link more to complete the chain,—the assertion of a universal temporal authority by which the independence of the Papacy could be sustained; but the diplomacy of St. Boniface had pointed out the direction in which that also was to be sought and found.

## III. RISE OF THE EMPIRE OF CHARLES THE GREAT

The death of Pope Gregory III, the Emperor Leo, and Charles Martel in the year 741, opened a new period in the papal diplomacy; for the new Pope, Zacharias, was of Greek origin, a man of unusual talent as a peacemaker, and gifted with a power of persuasion whose charm melted away all opposition and subdued all wills to his own.

The policy  
of Pope  
Zacharias

When Zacharias became Pope, Liutprand had resolved not only to punish the Duke of Spoleto for his rebellion, but to inflict chastisement upon Rome for the conduct of Gregory III; but the new Pope promptly opened negotiations with the Lombard king, with the result that Liutprand promised to restore the four cities which he had taken, and Zacharias agreed to abandon Trasamund, — who had already broken the treaty by his selfish cowardice, — and even to lend the services of the Roman army to subdue him.

The Duke of Spoleto was soon humbled, but Liutprand showed no inclination to restore the four cities. Knowing the character of the aged king, Zacharias, leaving Rome, in 742, proceeded in person to the camp of Liutprand, where he was most cordially received, and by his gentle speech and adroit appeal to the King's conscience obtained the surrender of the cities, — not, however, to the Empire, to which they belonged, but to himself. In order to impress upon this transaction the seal of sanctity, Zacharias caused the King to confirm his gift by a deed afterward deposited in the Oratory of the Saviour in St. Peter's Church; then, at a love feast in celebration of a treaty of peace for forty years between the Lombard kingdom and the Roman duchy, Zacharias induced Liutprand to restore to the Papacy several valuable properties which had been taken from the Church in former years. When the King rose from the table he wittily remarked that it was the most expensive meal of which he had ever partaken.



## CHAP. II

A. D.  
500-800

The return of Zacharias to Rome was in every sense triumphal. Liutprand is said to have accompanied the Pope for half a mile on his journey, holding the stirrup of his palfrey, and one after another the four cities were handed over to the Pope in his homeward march. The people of Rome received him with an ecstasy of rejoicing at the city gates, and the peace was further celebrated by a discourse in St. Peter's and a procession on the following day.

Having thus reconciled the Lombard monarchy to the Papacy, Zacharias continued his policy of conciliation by personally interceding with the King at Pavia in behalf of the new Emperor, Constantine V, when a year later his possessions were threatened anew by the Lombards. The aged King, moved by the skilful persuasion of the Holy Father, yielded once more to his wishes and ceased his depredations. It was, however, his last surrender; for in 744 Liutprand died, and a new dynasty ascended the throne of the Lombards.

The renuncia-  
tion of Carlo-  
man

New victories, accompanied by new dangers, were in store for the Papacy; but the time had come when its *entente* with the Frankish monarchy was to prove, as Boniface had always believed, the salvation of its independence. It was the Franks, however, who were to gather the first fruits of the plans of Boniface. After the death of Charles Martel, his sons, Carloman and Pippin, continued their father's policy, making war on the Bavarians, the Saxons, and the Slavs, and pushing forward the frontiers of the kingdom where the work of the missionaries had prepared the way. But Carloman, the elder of the brothers, after winning decisive victories in the field, in 747 renounced his royal office, commended his sons to Pippin, and, proceeding with costly gifts to Rome, begged and received the papal approval of his abdication, consecrating himself thenceforth to a monastic life.

Thus, as it is believed, by the influence of Boniface,<sup>1</sup> a step was taken which resulted in the complete unification of the

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<sup>1</sup> See Gregorovius, *Geschichte*, II, p. 747.



Frankish power in the hands of Pippin; who, in return for the papal alliance, was disposed to confer upon the Papacy that temporal protection of which it stood in need.

CHAP. II  
A. D.  
500-800

Left free to concentrate the entire kingdom in his own hands, Pippin moved boldly forward to the consummation of his plans. Even in the time of Charles Martel, it was to him, the Mayor of the Palace, rather than to the nominal king, that Gregory III had sent the keys of the Apostolic tomb. Childeric III, in whose name Carloman and Pippin had held their power, was now doomed to be the last of the Merovingian kings; but the elective character of the kingship had been so long forgotten that Pippin felt the need of a high sanction for the act of usurpation he was about to perpetrate. Zacharias, content with the results of his conciliatory policy in Italy, had not repeated the appeal of Gregory III, but Boniface remained unshaken in his firm conviction that the hour was approaching when the Frankish alliance would be required. When all his plans were ripe, and only the papal sanction was wanting to appease the conscience of the Frankish nobles, in 751 Pippin sent an embassy, composed of the Bishop of Würzburg and the Abbot of St. Denis, to inquire of the Pope if a king had the right to rule when he had not the power to enforce the laws. Not indisposed to be made the arbiter of so great a question, Zacharias replied that he might with better right be called king who really possessed the royal power.<sup>1</sup>

Pippin becomes king

Having thus secured the approval of the Pope, Pippin convoked a general assembly of the nobility and of the people, and caused himself to be elected king. Childeric was shorn of his long hair, the sign of royalty among the Franks, and with his son Theodoric confined in a convent. Pippin ascended the throne as king "by election of the Franks;" but there was one significant circumstance in the ceremonies of coronation,—the new king was anointed by the hand of St. Boniface.

<sup>1</sup> See the form of the messages exchanged and comments on the authorities in Richter, *Annalen*, I, p. 215.

## CHAP. II

A. D.  
500-800The triumph  
of Boniface

By his unification of the Church under the primacy of Rome, and the alliance of the Papacy with the Frankish monarchy, Boniface had laid the corner-stone of a new empire. The retirement of Carloman, who would have shrunk from the bold deed of Pippin, the coronation of Pippin as the anointed of God, and the defence of the Papacy which was afterward exacted of him,—are all connected links forged into one compact chain by the hand of Boniface. The scope of his plans and the cogency of his methods mark him as the most consummate diplomatist that Europe had produced for many centuries; but his work was done in a spirit of absolute devotion to an ideal which he felt to be greater than himself,—the building of an earthly empire in which peace and righteousness should dwell together under the protection of consecrated force.

The new peril  
of the Papacy

Before his death in 752, Pope Zacharias had won another signal victory over the Lombards; but his triumph proved the cause of a new calamity. The Lombards, dissatisfied with the feebleness of Hildebrand, who succeeded Liutprand as king, deposed him from the throne and chose Ratchis, Duke of Friuli, in his place. In 749, Ratchis attacked Perugia, and was beginning a war of conquest upon the Eastern Empire, when Zacharias visited his camp and laid siege to his conscience. As Liutprand had bowed before the accusations of Gregory III, Ratchis, overwhelmed with penitence, renounced his royal crown and title in the presence of the Holy Father, and deeming himself no longer worthy to be called a king, retired to the seclusion of Monte Casino. His brother, Astolf, however, possessed a different temper, and having been elevated to the throne, determined to expel the imperial power from Italy and dominate the whole peninsula.

When, in 752, Stephen II succeeded Zacharias in the papal chair, and, resorting to the policy of his predecessor, endeavored to dissuade Astolf from his purpose, he found that all his arts of persuasion were wasted upon the incorrigible Lombard. Ravenna, the Exarchate, and Pentapolis

were already in the conqueror's hands; and, in June, 752, Stephen, only with the greatest difficulty, by means of prayers and presents, prevailed upon him to respect the freedom of Rome. After concluding a treaty of peace with the Pope for forty years, the young barbarian demanded heavy tribute from Rome and declared his intention of annexing its territory to the Lombard kingdom.

An embassy to Astolf having failed to appease his ambition, Stephen turned toward the Emperor for aid; but his appeal was not only fruitless, it embittered Astolf the more. Deserted by men, Stephen made his appeal to heaven. Before the Church of Santa Maria Maggiore, the population of Rome was summoned to behold the treaty of peace to which Astolf had subscribed attached to a cross, while the Holy Father, barefooted, led the litany, bearing the sacred image of the Saviour which, according to the legend, had been carved by the hands of the angels. Amid fasting and prayer, all Rome sent up its cry for rescue.

But Stephen, in his desperate distress, did not cease his negotiations. Recalling the *entente* which had long existed with the Franks, and which the coronation of Pippin had fortified, he began his secret communications with the Frankish king. By the hand of a pilgrim letters were sent disclosing the great peril of the Papacy and invoking aid. Pippin, seeing his opportunity, received the message with a glad heart, and promptly despatched an envoy to Rome, soon followed by Duke Autharis and the Abbot of Görtz to conduct the Pope safely to the Frankish kingdom.

While Stephen was still planning his bold journey over the Alps, an embassy arrived from the Emperor; not, as might have been expected, promising aid, but feebly demanding of the Pope to go as mediator to the court of Astolf and recover for the Empire its lost territories. If doubt had lingered in the mind of Stephen regarding the adventurous step he was about to take, this embassy must have totally dispelled it. Thenceforth, all hope for the Papacy lay in the West. The East had abdicated.

CHAP. II  
A. D.  
500-800

The negotiations of  
Stephen II

## CHAP. II

A. D.  
500-800

Stephen's  
journey to  
Pavia

Faithful to his orders from the Emperor, Stephen, in company with the imperial ambassadors and the envoys of Pippin, on October 14, 753, set out on his mission to Astolf. Before he reached Pavia, Astolf sent him word that it would be useless to ask for the restitution of the conquered territory, but Stephen continued on his way. When his efforts as mediator had completely failed, departing from Pavia on November 15, Stephen boldly turned his face toward the Alps. It was a journey fraught with the most far reaching consequences for the Papacy, the dynasty of Pippin, and the future of all Europe.

The Franco-  
papal alliance

The reception accorded to Stephen in the realm of the Franks was one of the greatest honor. Charles, the eleven-year-old son of Pippin, afterward to become king and emperor, was sent out with an escort to meet the papal *cortège* at a distance of a hundred miles from Ponthion, near Barle-Duc, where Pippin was to receive him. Three miles from the journey's end, on January 6, 754, Pippin himself appeared, to welcome his venerable guest. Dismounting from his horse, and having first paid homage by kneeling in the snow, it is said, the King led by the bridle the palfrey of the Holy Father in the manner of a simple squire. At Ponthion in the chapel of the royal palace, Stephen besought the King with tears to restore to St. Peter his rights in Italy.

The Treaty of Carisiacus, of April 14, ratified by a general assembly of the Franks, provided for the restoration of the papal possessions when retaken from the Lombards, but the solemn compact between the Pope and the Frankish king was of far wider scope and significance. Pippin became the defender of the Church, and the Pope in return promised to the house of Pippin perpetual confirmation in the kingship of the Franks.<sup>1</sup>

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<sup>1</sup> If the so-called "Fragmentum Fantuzzianum" is a genuine document, the Treaty of Carisiacus ceded to the Papacy all the cities, duchies, and castles in the Exarchate of Ravenna which Pippin might be able to take from the Lombards. This document is, therefore, considered by Catholic writers to be of great importance. See



At Paris, in the Church of St. Denis, on July 28, imposing ceremonies were held by which the new dynasty, the first to receive this distinction, was solemnly consecrated by the Pope. The Franks, whose imagination was deeply impressed by this unprecedented act, thenceforth regarded their monarch as chosen by heaven to rule over them. A new element was thus brought into the constitution of the Frankish state; for, although the new royalty was based upon election, it now seemed to possess also a divine authority. The conflict with the Lombards, therefore, assumed the character of a holy war, and made of the Frankish king the champion of Christendom.

With a view to breaking up the alliance which had been formed against him, Astolf drew the monk Carloman out of his cell at Monte Casino and sent him as an ambassador to his brother Pippin. It was in vain, however, that the monk pleaded with the King not to bring down the horrors of

## CHAP. II

A. D.  
500-800

Negotiations  
between Pip-  
pin and Astolf

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on this point, Brunengo, *Le origini*, p. 143 *et seq.* The fragment in question was published for the first time by Count Marco Fantuzzi, in 1804, in his *Monumenti Ravennati*, vol. VI, pp. 264, 267; and was afterward reprinted by Troya in his *Codex Diplomaticus*, No. DCLXXXI. The text, copied also by Brunengo, *Le origini*, pp. 144, 145, who regards it as genuine, is as follows: "Statuimus cum consensu et clamore omnium, ut tertio Kalendas Maiarum in Christi nomine hostilitatem Longobardiam adissemus; sub hoc, quod pro pactionis foedere per quod pollicimus et spondemus tibi Beatissimo Petro Clavigero Regni Coelestis et Principi Apostolorum, et pro te huic almo Vicario tuo Stephano, egregioque Papae Summoque Pontifici, eiusque precibus, successoribus usque in finem saeculi, per consensum et voluntatem omnium infrascriptorum Abbatum, Ducum, Comitum Francorum, quod si Dominus Deus noster pro suis meritis sacrisque precibus Victores nos in gente et regno Longobardorum esse constituerit, omnes Civitates, atque Ducata seu Castra, sicque insimul cum Exarchatu Ravennatum nec non et omnia quae pridem tot per Imperatorum largitionem subsistebant ditioni, quod specialiter inferius per adnotatos fines fuerit declaratum, omnia quae infra ipsos fines fuerint ullo modo constituta, vel reperta, quae iniquissima Longobardorum generatione devastata, invasa, subtracta ullatenus alienata sunt, tibi tuisque Vicariis sub omni integritate aeternaliter concedimus, nullam nobis nostrisque successoribus infra ipsas termi-



## CHAP. II

A. D.  
500-800

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war upon Italy. Treated as if he were a sentimental imbecile, or a terrorized tool of Astolf, he was sent away to a monastery at Vienne in Burgundy, where he soon afterward died.

Pippin, in turn, sent envoys to the Lombard king, offering him a large reward if he would abandon his designs; but Astolf, whose unbending nature yielded neither to threats nor persuasion, remained as obstinate as before.

Returning to Rome with a strong Frankish escort, Stephen re-entered the city amid the jubilations of the people, who hailed him as their deliverer. On his journey the news had reached him of the death of Boniface. The aged archbishop had started on a journey into East Friesland, the very heart of paganism, and there, at Dokkum, a wild host had fallen upon him and his companions, and the great apostle to the Germans had been slain. Buried at Fulda, his tomb became a sacred shrine in the splendid abbey that was built over it,

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nationes potestatem reservatam, nisi solummodo ut orationibus et animae requiem profiteamur, et a Vobis populoque vestro Patritii Romanorum vocemur."

W. Martens, *Beleuchtung*, p. 143, rejects as unauthentic the "*Fragmentum Fantuzzianum*."

The obligations incurred by the Treaty of Carisiacus are thus described by W. Sickel: "Das Fränkische Reich war verpflichtet, das Land der Römischen Kirche zu vertheidigen, eine Pflicht, die sich nicht auf bestimmte Ansprüche und bestimmte Gegner beschränkte, sondern auf jeweiligen Besitz sich erstreckte und sich richtete gegen jeden, der ihn angriff. Es bedurfte nur des Nachweises, dass ein Gebiet der Römischen Kirche verloren oder gefährdet sei um den Rechtsanspruch auf Hilfeleistung zu begründen." *Die Verträge der Päpste mit den Karolingern*; in the *Deutsche Zeitschrift für Geschichtswissenschaft*, Band XI, 1894, p. 333.

It was as "*papal possessions*" that the Exarchate of Ravenna and other imperial territories were to be reclaimed and restored; although, in fact, most of them had never been ruled by the Pope. This was Pippin's understanding in his treaty with Stephen II, and he faithfully kept his word. On the ambiguity of the transaction, see W. Sickel, as cited above, pp. 322-324. On the form and terms of the treaty, see also Jaffé, *Codex Carolinus*, p. 497 *et seq.*, especially pp. 525, 534, 715.

from whose cloisters went forth a vast army of monks to carry on his work.

Pippin, following his promise with prompt execution, in July, 754, led his army over the Alps, and Astolf, unable to resist him, promised to surrender Ravenna and the other imperial cities. In the treaty signed by Astolf it was the "Republic of the Romans" which was to be the beneficiary of his restitution; but whether this expression was intended to mean the Eastern Empire or the Duchy of Rome was left in obscurity. No sooner had Pippin's army disappeared over the Alps, however, than the faithless Lombard, repenting of his promise, not only refused to deliver the territory he had taken, but marched directly upon Rome, demanding the surrender of the Pope into his hands.

Loyal to their bishop, who was now the only head of the Roman government, the Romans bravely withstood the long and trying siege. But all the old barbarian instincts of the Lombards were aroused, and not only was the *campagna* ruthlessly plundered, even the churches outside the walls were both robbed and desecrated. Gregory III had prudently renewed the walls of Rome, and for more than three months Astolf's fierce army was held at bay. In the meantime, Stephen, sending his messengers by sea, wrote urgent letters to the King of the Franks, plying him with every form of inducement, — blessings, reproaches, appeals, and fears for his salvation, — to come immediately to the relief of the beleaguered city. At the height of his mental exaltation, Stephen imagines himself the mere amanuensis of St. Peter, through whom the Holy Apostle, in his own name, and in the name of the Mother of God and of all saints, martyrs, and angels, dictates his invitation and command to the King to fulfil his pledges without delay, and march to the rescue of the holy city.

However Pippin may have regarded these pathetic importunities, he had the strongest reasons for taking them to heart. His kingship was, in a certain sense, the result of the papal sanction, and his solemn pledge had been given to de-

CHAP. II

A. D.  
500-800

The siege of  
Rome by  
Astolf

## CHAP. II

A. D.  
500-800

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fend the Papacy. He could not, therefore, without humiliation and self-reproach permit the Vicar of God, whose sanctity was the very foundation of his throne, to suffer violence at the hands of the barbarian king who was threatening him with destruction. Hearing of Pippin's approach over the Alps, in March, 755, Astolf suddenly raised the siege of Rome, to march against the Frankish army in the North.

The illusions of the  
Emperor

The obscurity in which the Eastern Emperor was groping in the midst of these events, is shown by the appearance of three imperial ambassadors at Rome, at the time when Pippin's army was marching to its rescue. Without even suspecting the policy of Stephen, the Emperor had conceived the idea that he could use Pippin against Astolf for the restoration of his Italian possessions; and with that end in view, the embassy, on its mission to the King of the Franks, had passed by way of Rome, in order to obtain the support and assistance of the Pope.

At Rome, the astonished envoys discovered with alarm that Pippin was on his way to invade Italy, and hastened to go by sea to find him, taking with them an envoy of Stephen's, who was sent as if to aid them. Arriving at Marseilles, they learned that Pippin had already crossed the Alps at the solicitation of the Pope. Thrown into consternation by the sudden revelation of the papal policy, the misguided embassy endeavored to detain the Pope's envoy, while one of their number made haste to reach the King.

Overtaken in the course of his victorious march to Pavia, Pippin, when urged to restore to the Emperor his lost cities, announced to the imperial envoy that he was bound by a solemn oath to Stephen, and that he had not come to Italy to do the will of men but for the love of the Holy Apostle, to whom alone he would restore them.

The temporal  
sovereignty  
of the Pope

In what precise form the donation of Pippin was made, we have no records to testify; but it is certain that the transaction laid the foundation of the temporal sovereignty of the

Papacy in Italy.<sup>1</sup> The keys of twenty-four cities were solemnly laid upon the tomb of St. Peter, and Stephen, as head of the "Republic of the Romans," became the virtual ruler over the greater part of the duchy of Rome, the Exarchate, and Pentapolis. Thus, the project for a territorial basis for the dominion of the Papacy suddenly became a reality, and the Pope a temporal sovereign. His relation to the Eastern Emperor was left vague and undefined, for it was a part of the papal policy not to destroy the idea of the Empire, from which the new theocracy of Rome was to profit in the future. The heart of Italy was now in the possession of the Pope, and the gradual annexation of the entire peninsula appeared more than probable. The Lombards, confined to the valley of the Po, seemed powerless to prevent the papal absorption of the duchies of Spoleto and Benevento, with whose dukes negotiations were promptly opened.

An unexpected event soon occurred to favor the plans of Stephen. Astolf having died, and Desiderius, Duke of Tuscany, having been chosen King of the Lombards, the monk Ratchis came forth from his cell at Monte Casino, as one risen from the dead, to contest his possession of the throne. By a liberal concession of territory to the "Republic of the Romans," Desiderius purchased an alliance with the Pope; who quickly suppressed the ambition of the vacillating monk and sent him back to his cell, to do penance for his temerity.

When, in 757, Stephen II died and was succeeded by his brother, Paul I, as Pope, the Papacy appeared to have attained not only its spiritual freedom, but the political leadership of Italy; for the Emperor, — whose suzerainty was still recognized in the dating of documents and the inscription of coins, — and the Frankish protector of the Church, were too far away and too much preoccupied to interfere with the

## CHAP. II

A. D.  
500-800The growing  
independence  
of Rome

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<sup>1</sup> On the donations of Pippin, see Richter, *Annalen*, II, p. 674 *et seq.*, who cites all the principal authorities. On the extent and legitimacy of the donations, see also Brunengo, *Le origini*.



## CHAP. II

A. D.  
500-800

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cares of government in Italy. Paul continued with Pippin the close relations which Stephen had established, but the extensive correspondence between them which has come down to us discloses the extent to which the Roman government had been transformed. While Pippin is always addressed in terms of docility, and even of flattery, the Frankish king figures in these letters only as the recognized and valued "protector" of the Papacy; but it is the Pope who stands out as the head of the "Republic of the Romans," now distinctly assuming the character of an independent state.<sup>1</sup>

With the kingship of the Lombards safely in his own possession, Desiderius, perceiving his opportunity, repented of his liberal concessions to the Pope, and, instead of delivering the cities he had promised as the price of his crown, laid waste Pentapolis and punished the dukes of Spoleto and Benevento for their *entente* with Stephen. In his letters to Pippin, Paul bitterly complained of the conduct of Desiderius; but when, in 759, the Lombard king came to Rome to negotiate with Paul, the frightened Pope made a formal surrender of his claims, and a letter was written to Pippin in which it was declared that this renunciation was freely made.

The evil which had come upon the Church through the assumption of temporal power by the Papacy — an evil to be so tragically exhibited in later times — bore its first fruits in the humiliating expedient to which the Holy Father was reduced. Too timid to support his claims, and too much imbued with the worldly spirit to renounce them, Paul sent to Pippin a secret contradiction of his open letter, in which he complained of the greed and faithlessness of the perfidious

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<sup>1</sup> In 754, Pippin was made "Patrician of the Romans" by Stephen II. On the nature of this office, see the luminous account given by W. Sickel in the work already cited, pp. 340-351. "Pippin hat von seinem Patriciat während der anderthalb Jahrzehnte, die er ihn inne hatte, einen spärlichen Gebrauch gemacht. Aber auch er zweifelte nicht, dass er als Patricius unmittelbare Gewalt über die Römer habe: sie waren ihm zu Treue verpflichtet" (p. 349).



Lombard. Pippin, surprised and puzzled by this duplicity, did not come to the Pope's assistance. By the mediation of the Frankish ambassador, Remigius, a treaty was, however, concluded in March, 760, in which Desiderius agreed to deliver the cities he had promised to the Pope, and a period of peace was thus secured.

CHAP. II

A. D.  
500-800

With the Eastern Emperor sleeping on his rights, Desiderius pacified, and a strong protector on the other side of the Alps, the Papacy seemed for a moment to have established that independence for which it had so desperately struggled. But a new enemy was soon to arise to awaken the Church from these dreams of peace. The papal office, originally a curacy of souls, during the period when its functions were purely spiritual had been filled by devout and benevolent bishops, whose chief ambition was to be of use to their fellow-men. With the assumption of temporal sovereignty, however, undertaken at first because it had seemed necessary to secure its spiritual freedom, the Papacy had become an attractive prize. In an age of brutal force and greedy appetite, the temptation to seize its power was too strong for the passions of rude ambition to resist. The Church had, therefore, escaped the dictation of the Emperor and the depredations of the Lombard, only to fall a victim to the Roman aristocracy.

Anarchy at  
Rome

Paul I, dying of fever, in June, 767, had scarcely drawn his last breath, when one Toto, the head of a powerful Roman family of Lombard origin, with his three brothers, accompanied by an armed band, broke into the city, terrorized the population, and having chosen one of the brothers, Constantine, as Pope, proceeded to install him in the Lateran palace. A frightened bishop was compelled to ordain this layman, who was in a few hours passed on through a series of ecclesiastical grades, and, finally, protected by Toto's armed men, consecrated Pope in St. Peter's Church.

The activity of Christophorus, the Primicerius, or Secretary of State, of Paul I, who considered it his duty to secure a legitimate succession, brought the Lombards to the rescue;

## CHAP. II

A. D.  
500-800

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but the representative of Desiderius attempted to set up another illegal pope in the Lombard interest. After nearly two years of tragedy and terror, Stephen III was legally chosen and the usurpers were severely punished. A general council held in the Lateran, in April, 769, revoked all their acts, and provided that, in future, only duly ordained ecclesiastics, chosen after a prescribed method, should be eligible to the papal office. Rome was thus once more brought under the rule of a duly authorized pope, but encroachments on the papal office by the powerful families of Rome were to have a far more serious influence upon the future of the Papacy.

Alliance of  
Stephen III  
with De-  
siderius

The death of Pippin in September, 768, left the Frankish kingdom in the hands of his two sons, Charles and Carloman, as joint kings. The division of the kingdom, the open opposition between the two brothers, and the intrigues with Carloman carried on by Christophorus and his brother Sergius, who by their rescue of the Papacy had become powerful at Rome, placed Stephen III in a position of extreme embarrassment. Deprived of the Frankish protection, subordinated at Rome by the brothers who had been instrumental in his election, and surrounded by a plotting aristocracy who saw their ambitions threatened by the papal supremacy, Stephen had entered upon an era of tragic peril.

Resolved to master the situation, the Pope now turned toward Desiderius as his most available ally. The Lombard king threatened Rome with an army, suppressed the opposition, and having captured and blinded Christophorus and Sergius, established Stephen in full control of the city. Having done this, Desiderius considered his obligations to the Pope fully discharged, and felt free to pursue his own ambitious plans for the control of Italy.

The marriage  
of Charles and  
Desiderata

Fearing the effects of the Lombard supremacy, Stephen now turned anxiously toward Charles and Carloman for protection. In the midst of his negotiations, the venerable Queen Mother of the Frankish kings, Bertha, hoping to effect a reconciliation between her sons, made a pilgrimage to Rome. Stephen welcomed her presence as a good omen for his de-

signs, but much to his distress the Queen suddenly conceived the idea of arranging marriages for her sons, Charles and Carloman, with the daughters of Desiderius.

CHAP. II

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 A. D.  
500-800
 

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Disgusted with a project which seemed to threaten the independence of the Papacy by destroying the basis on which its protection had rested, Stephen bitterly and violently opposed the marriages. No sooner had Queen Bertha set out for a visit to the Lombard court, than the Pope, having written a letter of fierce denunciation against the whole Lombard race, which was characterized as "a fetid and godless nation," solemnly laid the furious diatribe upon the tomb of St. Peter, to receive therefrom a transfusion of miraculous influence; then, having indorsed this fact upon it, he sent it to the Frankish kings accompanied with the Apostolic curse and anathema in case his advice was disregarded. For this or some other reason, Carloman abstained from the marriage his mother had proposed; but Charles, unmoved by the papal malediction, married Desiderata, and thus concluded a family alliance between the Lombards and the Franks.

The troubled reign of Stephen III came to an end in 772, and a Roman prelate of noble family became Pope as Adrian I. Hostile to the Lombard influence, and zealous for the political independence of Rome, Adrian bravely demanded of Desiderius the delivery of the cities he had promised to the Holy See. Furious at the insistence of Adrian, the Lombard king not only refused to comply with the papal demand, but began a series of violent aggressions upon peaceable territory, and finally invaded and laid waste the Duchy of Rome.

The diplom-  
acy of Adrian  
I with Charles

In the spring of 772, Carloman having died, his widow and little sons had sought refuge with Desiderius, in quest of his aid in securing their right to their father's throne. In the meantime, Charles, who claimed the throne for himself, had put away his Lombard wife, Desiderata, with whom he had found the unhappiness which the Pope had predicted, and had come into full sympathy with the views expressed by Stephen III regarding the Lombards.

## CHAP. II

A. D.  
500-800

When, therefore, Desiderius proposed to Adrian I that he would cease his attacks on the Roman territory on condition that the Pope would consecrate the son of Carloman as a king of the Franks, Adrian was quick to see that he could now appeal to Charles for aid on the ground that the territories of the Holy See were being ravaged by the Lombards because the Pope had refused to yield to the demands of Desiderius directed against Charles himself.

Having despatched an embassy to Charles by sea, Adrian assembled all the forces he could gather, closed and even walled up the gates of Rome, strengthened its fortifications, and prepared to defend the city to the death. Then, while awaiting the reply of Charles, he endeavored to temporize with the enemy. Sending three of the most venerable bishops to treat with Desiderius, he armed them with the excommunication and malediction of St. Peter, to be used against the Lombards if they did not withdraw. Overcome by the spiritual powers of the bishops, the barbarian king quailed before them; and, to save his soul from perdition, sounded a retreat.

The descent  
of Charles  
into Italy

Soon after the withdrawal of the Lombard army, envoys from Charles arrived at Rome. They had come to inquire into and report upon the condition of affairs in Italy; and, hastening back, after a rebuff at Pavia, they informed Charles that his presence was demanded there.

In May, 773, therefore, after having vainly offered a large sum of money if Desiderius would fulfil his obligations to the Pope, an assembly of the Franks was convoked at Geneva, war was decided upon, and in the following September Charles descended into Italy with two armies.

Forcing the Lombards to take refuge in Pavia, the King of the Franks laid siege to the city, and during its progress visited Rome in person. There, after celebrating the Easter festivities with elaborate ceremonies as the guest of Adrian, he promised to confirm to the Papacy all that his father Pippin had bestowed.<sup>1</sup>

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<sup>1</sup> For the details see Richter, *Annalen*, II, p. 681 *et seq.*



When Pavia fell, the Lombard king was sent to die in a Frankish monastery, and his treasure was distributed among the Frankish soldiers. Having thus extinguished the Lombard dynasty, Charles was proclaimed master of Italy with the title, "King of the Franks and Lombards, and Roman Patrician." In him the Papacy had at last found an efficient protector, under the shadow of whose sword it had nothing to fear in Italy.

But this first visit to Rome opened a new epoch also in the life of the great monarch; for it filled his mighty spirit with a new reverence for the power of the invisible world, and a new conception of his office as a king. The fine Roman culture of Adrian I and the great monuments of Rome appealed to his imagination with the force and fertility of a new revelation. Already a great ruler through his power as a military chief, he was to become the greatest organizer and administrator of the Middle Ages.

The battles in whose fiery heat the Frankish king forged the chain of his dominions, extending from Northern Spain to the shores of the Baltic, and from the Atlantic to the Oder and eastward far into the land of the Avars, do not concern us here; but it must not be overlooked that it was by the power of the Church that he tamed these wild pagans and finally subdued them to his rule. Nine times the fierce Saxons had defied the power of his armies, and nine times he returned to sweep their forest fastnesses with fire and sword. It was only when he had forced them into the towns which he built to garrison their country, and set bishops over them and missionaries among them, to break their spirit of resistance by the influence of religion, that he finally was able to hold them in obedience to his will. By the imposing pageantry of the Roman ritual, the solemnities of baptism and the sacrament, and the terrors of the unseen world he uprooted the native savagery which derided his victories, and cemented his conquests by those moral forces which vanquished the barbarian population from within.

CHAP. II

A. D.  
500-800The wars and  
conquests of  
Charles

In order to comprehend the full significance of the great



## CHAP. II

A. D.  
500-800

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The invisible  
empire

movements which have been described, whose entire meaning is in danger of being lost in the multiplicity of details, it is necessary to remember that, at the moment when the Western Empire fell in 476, there were in reality two empires in the West, — an empire of the civil order maintained by military force, and an empire of the spiritual order established in the inner life of the people. With the invasion of the barbarians the physical empire was swept away, but the ideal empire, the empire whose forms still persisted in the hierarchy of the Church, continued to exist. Communities of the faithful in every part of the old imperial dominion continued to look to their bishops, these to be guided by their metropolitans, and these in turn to feel their subordination to the ancient patriarchate at Rome. Heresy threatened to disrupt the Church, but it tended even more powerfully to alienate the old Roman population from its heretical conquerors and to give it a sense of solidarity with the champion of the orthodox faith. Local independence was manifested by many bishops, but others looked with reverence to the Pope; and the missionary movement, radiating out from Rome, resulted in a general recognition of his primacy.

Thus the moral unity of the old Empire, in spite of its political disruption, prolonged the existence of its traditions and ideals and made it live on in the minds of men long after its civil authority had disappeared. When, finally, the heresies of the East and the fluctuating authority of the emperors at Constantinople — too remote from Western Europe to command its respect or render their rule effective — had proved the pretensions of the Eastern Empire empty and unfruitful, the time had come when all that was wanting to revive the imperial power at Rome was a military chief strong enough to hold local rivalries in subjection, and that power had now appeared in the person of the Frankish king. Having unified Gaul, conquered Germany, subdued the Saxons, incorporated Bavaria, and redeemed Italy from the Lombards, the Frankish monarchy had expanded to the limits of

Western Christendom, and was carrying the faith of Rome to the Slav and the Avar. It was neither so remote from Italy as to render it ineffective as a protector of the Pope, nor so near as to menace his independence. In all its great work of conquest and organization, it was the Papacy which had prepared the way for the advance of its armies, and had spread the influences which tamed and restrained the conquered peoples. The dynasty had been consecrated at its birth with the papal blessing. In return, it had laid the fruits of its war with the Lombards upon the tomb of St. Peter as a voluntary offering to his successor. To sustain the temporal authority of the Pope, Charles had assumed a protectorate over the papal territory as King of the Lombards. Already the almost universal sovereign of Western Europe, but one step was yet to be taken to consummate in his person the logical result of all these events by the revival of the Empire in the West.

CHAP. II  
A. D.  
500-800

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When, in 795, Adrian I ended his long and active reign, and Leo III, a devoted Roman, succeeded him, the city of Rome, to all outward appearances, was completely in the power of the Papacy. Beneath the surface there was, however, some cause for anxiety in the mind of the new Pope; for, when he sent to the King of the Franks the keys of the Apostolic tomb, soon after his election, he presented also the banner of Rome, accompanied by the request that Charles would send a representative to receive the oath of fidelity of the Roman people, — a step expressive of his strong desire to emphasize the Frankish protectorate.

The flight of  
Leo III

The fact that Charles promptly selected for this mission so important a personage as his trusted and experienced Angilbert, implies that the letter of the Pope — now unhappily lost — contained some communication of unusual significance. The events which followed are, however, sufficient to reveal the existence of a hostile party at Rome which sought the overthrow of the Pope. On April 25, 799, relatives of the late Pope Adrian I, led by his nephew, Paschal, seeking to grasp the temporal power, attacked the person of

## CHAP. II

A. D.  
500-800

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Leo III near the monastery of Saints Stephen and Sylvester, as he rode in a procession, dragged him from his horse, stabbed him with daggers, attempted to put out his eyes and cut out his tongue, and flung him almost lifeless before the altar of the church.

Concealed by some pious monks, Leo was able to escape to the Duchy of Spoleto, whose Frankish duke came to his rescue. Thence he was escorted to the presence of Charles, who had interrupted his war against the Saxons, in order to meet him at Paderborn. The great warrior is said to have shed tears as he gathered in his arms the broken body and kissed the bruised face of the Holy Father, whose eyes and tongue were believed to have been miraculously restored.

The rein-  
statement of  
Leo III

The re-establishment of the Pope in his authority at Rome presented a delicate problem; for the brutal conspirators had not only had the shamelessness to try to destroy his influence with Charles by sending accusers to confront him with infamous charges before the King, but it was thought at the time that the Eastern Empire might lend support to his overthrow, as a Greek envoy was also present at Paderborn. Upon the advice of the learned Alcuin, therefore, Charles sent Leo back to Rome under the protection of a numerous armed escort, and attended by noted dignitaries of the Church, with the announcement that the King would soon come to Rome in person.

As the long train of soldiers and ecclesiastics approached the city, on November 29, 799, nearly the entire population—the clergy, the nobility, the militia, and the foreign colony as well as the common people—came forth to welcome the returning pontiff. In the *triclinium* of the Lateran palace a prolonged inquest was held, at which Paschal and his fellow-conspirators did not hesitate to appear as accusers of the Pope; but, convinced of his innocence and of their guilt, the tribunal sent them into exile. Unwilling to judge the Holy Father, the Frankish and Roman dignitaries then awaited the appearance of Charles at Rome.

Almost a year later, on November 24, 800, the King

entered the city, having been received by Leo III "with great humility" some fourteen miles from the city gates. On December 1 a convocation of the higher clergy and the Frankish nobility was called, to meet in St. Peter's Church; and on December 23, Leo III, with great solemnity, holding the Holy Gospel in his hands, in the presence of the assembly, declared with an oath his innocence of the charges brought against him.

Two days after his acquittal, on Christmas day, when the Church of St. Peter was thronged with worshippers celebrating the festival, Leo silently approached the King, who was kneeling before the high altar in the act of prayer, and placed upon his bowed head an imperial crown, while the Roman people acclaimed: "To Charles, the Augustus, crowned by God, great and pacific Emperor of the Romans, life and victory!"<sup>1</sup>

Not only the court and the clergy within, but the Frankish soldiers without the walls, took up the cry; while the Pope, performing the act of "adoration," reverently knelt to touch and kiss the garment of the praying monarch.<sup>2</sup> As if by a sudden inspiration, he had, with a single touch, crystallized the greatest memories of the past and the deepest aspirations of his time into the most conspicuous institution of the Middle Ages.

The two figures before the high altar of St. Peter's on that Christmas day form a symbolical picture of the whole course of history since the time of the Caesars. The Roman and the German, the overshadowing past and the potential present, the universal and the individual, the majesty of law and

## CHAP. II

A. D.  
500-800

The coronation of Charles as Emperor

<sup>1</sup> The Latin formula, *Augusto a deo coronato magno et pacifico imperatori Romanorum vita et victoria*, used by the Roman people in acclaiming Charles the Great, was part of an ancient hymn of salutation well known and often used at Rome, with slight modifications. See W. Ohr, *Die Kaiserkrönung Karls des Grossen*, pp. 63, 72.

<sup>2</sup> The act of "adoration" is explained in Godofred's note to the *Codex Theodosianus*, VI, 8. It merely implied the honor due to an emperor, and was not in any sense a sign of vassalage.



## CHAP. II

A. D.  
500-800

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the vigor of liberty, the world of the spirit and the world of actuality, imperial right and barbarian energy, — all these are present, and all are henceforth to be combined as if swallowed up in one new creation. But it is the German who kneels in pious devotion, the present which humbles itself before the past, the individual who feels the power of the universal, the vigor of liberty which yields to the majesty of law, the actual which seeks strength from the spiritual, and the barbarian who has been conquered by the Empire. It is the Roman who bestows the crown, the Roman who speaks in the name of the divinity, the Roman whose transfigured republic is to profit by Rome's latest conquest; for after centuries of suffering, toil, and tragedy, it is the triumph of Rome's work which is before us.

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CHAP. II  
A. D.  
500-800

Literature

## CHAP. II

A. D.

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500-800

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## CHAPTER III

### THE EMPIRE UNDER THE CARLOVINGIANS

WHAT men think of events is often as important to history as the events themselves. Certainly, this was true of the imperial coronation of Charles the Great. From one point of view, the act of Leo seems to have been simply the spontaneous expression of personal gratitude to a benefactor for deliverance from his enemies. Regarded from another, it appears as the inevitable consummation of great historic movements spanning centuries of time. It is, however, only by an attentive study of the circumstances preceding and surrounding the spectacular scene in St. Peter's that we can understand its real causes or appreciate its full significance.

The significance of the coronation of Charles the Great

#### I. THE GENESIS AND THEORY OF THE CARLOVINGIAN EMPIRE

The act of coronation, according to the contemporary biographer of Charles the Great, was received by him with a shock of surprise. Had he known of what was intended, he is reported to have said, he would not have entered the basilica on that day.<sup>1</sup> This declaration does not imply that Charles had never considered or desired the imperial honor, nor that he was opposed to receiving it. Still less does it warrant the assumption that his statement was a fiction,

The views of Charles

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<sup>1</sup> The words of Einhard are: Quo tempore imperatoris et augusti nomen accepit. Quod primo in tantum aversatus est, ut adfirmaret se eo die ecclesiam non intraturum, si pontificis consilium praescire potuisset. See *Vita Caroli*, c. 28, in Jaffé, *Monumenta Carolina*, and in *Mon. Germ. Hist.*, Scriptores, II, p. 458.

## CHAP. III

A. D.  
800-888

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intended to express his modesty or his indifference to the whole transaction. It probably indicates his feelings regarding the time and place of the coronation, the fact that he had not deliberately prepared for it, or, perhaps, his dissatisfaction with the manner in which the ceremony had been performed.

There were many circumstances connected with the form of Leo's act in crowning Charles which might naturally have been displeasing to him. It not only plunged the new emperor into antagonism with Byzantium without regard to his own plans and wishes, but its theatrical character may have been offensive to the simple taste of the unostentatious Frank. It blended and confused, in a manner wholly unprecedented, the civil and the religious elements of an imperial inauguration, and gave to the Pope the appearance of conferring rights which might be more incontestably acquired by a different method. The fact that Charles subsequently solemnized the coronation of his son and successor without the consecration or presence of the Pope, does not of necessity imply that he would have preferred to place the crown on his own head, rather than to receive it from the hands of the Pope; yet it indicates that he not only distinguished between the imperial investiture as a public right and the act of consecration as a religious ceremony, but that he did not regard the bestowment of the imperial office as a papal prerogative. The political instinct of Charles appears to have discerned the fact, which subsequent events have made so evident, that his position was in some sense compromised by Leo's unexpected act. However great his desire may have been to receive the imperial honor, it cannot be doubted that the time, the place, and the manner of his coronation were a surprise to him, not wholly unaccompanied with disturbed reflections.

The premonitions of the coronation

It would be an inexcusable error, in view of the evidence to the contrary contained in the records of the time, to infer from the statement of Charles regarding his ignorance of Leo's intention to crown him emperor on that Christmas

day, that the idea of becoming Emperor of the Romans had never before occurred to him. As early as 778, Pope Adrian I, in a private letter, referring to the liberality of Constantine the Great toward the Holy See, had written, "A new Emperor Constantine is born for us, by whom God has deigned to bestow his blessings upon his Church." A medal had been struck before the coronation bearing the anagrams of Leo and Charles without reference to the Byzantine Empire, to which Rome still legally belonged. Even if we reject the story of John Diaconus, that Leo III had promised Charles, on the occasion of his flight to Paderborn, to bestow on him the imperial crown if the King would defend him from his enemies;<sup>1</sup> and also the story that Alcuin presented the Emperor on the day of his coronation with a beautiful manuscript of the Bible, bearing the inscription: "*Ad splendorem imperialis potentiae*," seeming to imply that

CHAP. III

A. D.  
800-888

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<sup>1</sup> Many Italian writers base their whole theory of the revival of the Empire upon a bargain between Pope Leo III and Charles the Great at Paderborn, in which it is supposed to have been arranged that Charles should rescue Leo from his enemies in exchange for the imperial crown. See Muratori, *Annali d'Italia*; La Farina, *Storia d'Italia*; and Balbo, *Il regno di Carlomagno in Italia*. Even Gregorovius, *Geschichte der Stadt Rom*, gives some credit to this story. Barbiellini-Amidei, *Una nuova pagina della Storia d'Italia*, Rome, 1904, p. 364 *et seq.*, — regardless both of evidence and chronology, — represents Leo III as endeavoring to carry out his pledge at Paderborn by a marriage between Charles and the Empress Irene, which Charles, "*circondato di quattro concubine*," is represented as repudiating, leaving Leo in embarrassment as to the manner in which he should obtain the crown for Charles. The scene in St. Peter's Church on Christmas day, 800, — according to this theory, — was the fulfilment of this agreement.

The contradiction between this story and the declaration of Charles recorded by Einhard is explained by those who accept this theory with the statement that the declaration of Charles was hypocritical and made only for effect. Unfortunately for this theory, John Diaconus wrote more than a hundred years after the event, cites no contemporary authority for his statement, and shows an ignorance of the time of which he writes that discredits his testimony. The story is probably nothing more than a Lombard invention.



CHAP. III

A. D.  
800-888

the coronation was known beforehand;<sup>1</sup> still other indications of the coming event were not wanting.

When Charles presented to the Pope a generous portion of the spoil he had taken from the Huns, Leo III had used it for the embellishment of the churches of Rome and the Lateran palace. In 796, he had placed in the apse of the basilica of St. Susanna, on the Quirinal, a mosaic containing portraits of Charles and himself in a group symbolizing the close relation between the Papacy and the Frankish king,—the first temporal prince to take his place in this manner in a Roman church.

Before 799, Leo had decorated that very *triclinium* in the Lateran palace where the tribunal had sat in judgment upon his enemies with a group in mosaic in which, on one side, appear the Saviour, with Pope Sylvester kneeling on his right and the Emperor Constantine on his left; on the other, St. Peter, with Leo III on his right, holding the emblems of the papal office, and Charles kneeling on the left, with the banner of Rome as the sign of his temporal authority. The picture presents in prophecy and in substance the whole theory of the Mediaeval Empire. No one could behold it without thinking of Charles as the new Constantine.<sup>2</sup>

The betrothal  
of Rothrade  
and Constantine VI

It is not to be doubted, therefore, that the idea of receiving the imperial title had often been considered by him; but it is uncertain whether or not a decision to act in a prescribed manner had yet been formed. The motives of both Charles and Leo can be understood only in the light of the diplomatic relations with Byzantium, which had been complicated by previous negotiations.

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<sup>1</sup> This idea, originated by Lorentz in his *Leben Alcuins*, has been refuted by Döllinger, *Das Kaiserthum*, p. 344. Waitz and Ranke, who had accepted it, adopted the correction in later editions.

<sup>2</sup> The visitor to Rome may see in the open tribune near the Scala Santa copies of these mosaics restored by Pope Clement XII, in 1743, from ancient drawings. See Baedeker's *Central Italy and Rome*, edition of 1904, p. 311.

In 780, the Emperor Leo IV had left as his heir his young son Constantine VI, under the regency of his mother, the Empress Irene. This beautiful, crafty, and ambitious Athenian, endowed with a marvellous genius for intrigue and possessing an insatiable love of power, was at that time desirous of avoiding all foreign complications, in order that she might devote all her energies to the consolidation of her empire. The overthrow of the Lombard monarchy in Italy brought the rule of Charles to the borders of her Italian possessions, and his conquests in Carinthia and on the Danube presented still other points of contact. Realizing the fictitious character of her authority in these provinces, and the probability that Charles would wish to round out his frontiers, the Empress eagerly sought a friendly alliance by which the coming storm might be, for a time at least, averted. The Frankish king had, on his part, prepared for the conflict by entering into friendly relations not only with the Slavs and the sovereigns of Bagdad, but with all the little princes of Egypt, Tripoli, and the coast of Africa, and had thus encompassed the Empire with the web of his alliances.

Cut off from other expedients, her borders imperilled by the Bulgarians on the Danube, and disturbed by the insecurity of her rule, Irene, in her extremity, had turned toward an alliance with the Franks as her last resort. In 781, while Charles was celebrating Easter in Rome, an embassy had arrived, proposing that a family compact be sealed with the Byzantine Empress by the betrothal of Rothrude, the eldest daughter of Charles, to the young Emperor Constantine. The prestige of such a marriage was too attractive a prize to be resisted, and Charles entered with enthusiasm into the plans of Irene. The betrothal was celebrated with great pomp, and oaths of fidelity were mutually sworn. A Greek eunuch was sent to Aachen to instruct the young princess in the language of her eleven-year-old *fiancé* and to prepare her for her imperial future.

The East and the West being thus linked in a family alliance which promised the future restoration of the old

## CHAP. III

A. D.  
800-888The Council  
of Nicaea and  
the diplomatic  
rupture

Roman Empire under rulers of the same blood, the occasion had seemed ripe for a corresponding reunion of the Church. Irene, desiring the good-will and influence of the Holy See, having assured herself of support at Constantinople, in October, 785, had written a flattering letter to the Pope, in which she promised that his primacy should be recognized in the East over that of the Greek Patriarch, and in the name of her predecessors apologized for the errors of the past, proposing a general council at which the destruction of the sacred images should be condemned and the Catholic faith adopted.

Delighted with this exaltation of his authority and these signs of repentance by the successor of the heretical emperors, Adrian I had written in reply a long explanation of the Roman attitude on the question of image worship, explaining that it is "not to the design or painting that honor is rendered, but to that which the picture recalls." The council had been convoked in 787, though not without violent opposition among the Eastern clergy, the necessary decrees had been passed, and the unity of Christendom had seemed once more restored, when a new condition of affairs suddenly supervened which produced a general rupture.

Once assured of the orthodoxy of the Empire, beguiled by the apparent piety and devotion of the Empress, and happy to be once more the universally recognized head of the Church, Pope Adrian I had shown that he no longer felt the need of the Frankish protection, and was not inclined to treat Charles as a necessary ally; with the result that, from 788 to 791, the correspondence between the Pope and the Frankish court was discontinued. On the other hand, Irene, the critical moment in her affairs having passed, the friendship of Rome having been secured, and the time having nearly arrived when the marriage contract was to be fulfilled, had concluded the occasion opportune to abandon the alliance with Charles, and to turn her hand against her son, who would, in a short time, supersede her regency by his own government. As the young bride was preparing at Aachen

to set out on her journey to meet her imperial husband at Constantinople, Irene, apparently without notification to the Frankish court, had suddenly compelled young Constantine to marry an Armenian, whom he did not love and finally repudiated. The chroniclers of the period picture the incident with all the colors of romance; for Constantine, through reports of the beauty and virtues of Rothrude, had conceived for her a deep affection. It was the beginning of that fierce struggle between the Empress and her son which, after her own temporary confinement in the palace at Eleutheria, ended in his blinding and imprisonment, while she usurped and exercised his legal powers.

The Frankish court endeavored to conceal its humiliation, but the Greek historians leave no doubt that it was at Constantinople, not at Aachen, that the marriage contract was broken; and it was certainly Irene who took the initiative in the war which followed in Southern Italy, where, with the Pope's aid, she doubtless hoped to arrest the plans of Charles.

Deeply offended by Adrian's attitude toward Byzantium, Charles had, by a *tour de force*, wrung from him a concession which was yielded only with reluctance. The Pope had sanctioned the decrees of the Council of Nicaea regarding the sacred images, but Charles had made this act the occasion for testing the strength of Adrian and asserting his own influence. By the Synod of Frankfort of 794, presided over by Charles in person and directed by his political interests, Adrian was made to understand that, in winning back the East by the methods he had chosen, he was incurring the danger of schism and revolt in the West. Ostensibly attacking the decisions of the Council of Nicaea of 787, which, it was represented, had not only condemned the destruction of the sacred images, but had gone so far as to prescribe their "adoration," the real purpose of Charles was to reassert his control over Adrian by forcing him to change his policy. The "*Libri Carolini*," inspired if not dictated by Charles himself, were composed and sent to the Pope to express the doubts and dissent of Charles and his party. The

CHAP. III

A. D.  
800-888The embar-  
rassment of  
Adrian I



## CHAP. III

A. D.  
800-888

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political significance of this polemic is evident from the hatred with which it is surcharged for the Greeks and their princes. In his reply, Adrian points out that it is by a mis-translation of a Greek word that the "adoration" of the sacred images is substituted for the "reverence" which is due them. The explanation should have ended the controversy, for there was in reality no essential difference between the views sustained in the "Libri Carolini," the decrees of the Nicaean council, and the papal exposition of them; but the debate was not in fact doctrinal, but essentially political, having no other purpose than to disturb the mind of Adrian I and change his policy toward Byzantium.

Adrian had thus been thrown into a painful embarrassment and forced to exercise his supple diplomacy. His keen intelligence could not fail to comprehend the inconstancy of the Greeks, the probability of their deserting him at a critical moment, and the necessity of appeasing Charles and regaining his friendship. With this end in view, while defending the decisions of the council, — which he could not repudiate without self-stultification and violence to the orthodoxy of Rome, — he had assured Charles that he had no intention of favoring the Byzantine politics, but on the contrary condemned the indisposition of the Empress to restore to the Patrimony of St. Peter the possessions which her predecessors had taken away in the time of their heresy. "If the Greeks do not restore our rights," he wrote to Charles, "we shall continue to regard them as hardened heretics." Thus, leaving open a door for retreat from his alliance with the East, by placing disregard of the temporal rights of the Papacy on a level with apostasy from Catholic doctrine, he had ingeniously sought to make his peace with Charles.

Leo's motive  
for the coro-  
nation

The death of Adrian I in the following year and the accession of Leo III to the papal office had completely restored the solidarity between the Papacy and the Frankish king, and the experience of his predecessor had revealed to



Leo how essential to the papal interest the friendship of Charles was. Before his journey to Paderborn, to seek the protection of his friend, Leo had done all in his power to secure from Byzantium an intervention on his behalf at Rome; but the effort had proved fruitless. No aid was to be hoped for in that direction, and for him the imperial authority was practically non-existent.

In the light of the events which have been narrated, we are prepared to understand the motive which actuated Leo in his eagerness to invest Charles with the legal power of the imperial office. The death of Constantine VI, as the result of the cruelties perpetrated upon him by Irene, had left the imperial throne vacant; for, although other women had practically ruled at Byzantium, none had ever borne the imperial honor; and it was not believed that a woman could hold the office of emperor. With a vacancy in the Empire to justify the step, the investiture of Charles seemed most natural and appropriate, since he had afforded to the Pope the protection which Byzantium had denied, and was prepared to restore the rule of imperial justice.

The need of imperial authority at Rome, in the critical circumstances of the moment when Charles was crowned, was desperate. On December 23, 800, Leo III had satisfactorily established his own innocence by his solemn declaration in St. Peter's before Charles and the assembled prelates and clergy of Rome; but the problem still remained, how to punish the conspirators against him, and above all how to secure his person from similar attacks in the future. The malefactors found guilty of the assault upon Leo had been sent into temporary exile; but, to construe their crime as high treason, and to punish it as such, required by Roman law an imperial authority, by which alone the crime of *lèse majesté* (*laesa majestas*) could be judged. The immediate necessity for the security of Leo's personal safety and rule in Rome was, therefore, the sovereign power of the Roman Empire. Here, then, was the real motive for the coronation, and of its haste, which permitted only two days to elapse

## CHAP. III

A. D.  
800-888The triumph  
of Leo

between the purgation of Leo by his oath and the imperial coronation of Charles the Great.<sup>1</sup>

The sequence of events confirms this theory of Leo's motive in crowning Charles. A few days after the coronation a trial of the conspirators was begun; the Emperor found them guilty of high treason, and condemned them to death. Not only the leaders but numerous prominent Roman citizens were included in the sentence. The long and vexatious opposition to Leo at Rome was thus crushed out, and he stood forth triumphant as complete master of the city.

With wise compassion, the victorious Pontiff, having thus destroyed his enemies and established his authority, crowned his success by pleading with the Emperor to commute the sentence of death to banishment; and the condemned conspirators were sent away into exile. Although he was temperate in appealing to its exercise, the sovereign power of the Emperor was necessary for his purpose; for without it he could not legally have invoked the penalty of death or gained the great moral advantage of requesting clemency. As Patrician, Charles could not rightfully exercise the sovereign power, which belonged by Roman law solely to the Emperor.<sup>2</sup> Leo's triumph was, therefore, much more than a personal

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<sup>1</sup> The view here adopted is that of Gasquet, *L'Empire byzantin*, p. 281, and Ranke, *Weltgeschichte*, vol. V, 2, pp. 183-187. It has been fully elaborated by Sackur, *Ein römischer Majestätsprozess und die Kaiserkrönung Karls des Grossen*, *Historische Zeitschrift*, Neue Folge, Band LI, 1901, p. 385 *et seq.* The criticism of Ohr, *Die Kaiserkrönung*, pp. 125-127, does not seem to be conclusive against this view.

<sup>2</sup> The proof of this is given by Sackur. The statement of Ohr, that the Prefect of the city had sometimes exercised this prerogative (see pp. 127, 128, note) must be qualified by the consideration that his authority was not inherent in his office, but only delegated by a sovereign power. He was probably at the time, the year 800, appointed by the Pope; but what Leo needed was an authority superior to his own. If hostile, the Prefect could defeat the Pope's will; if merely his creature, he would add nothing to his authority. It was unquestioned imperial authority that was needed, supported by the force to render it effective.

achievement, it was a victory of law over force; for he had not only revived the Empire to redress his wrongs, he had permanently based the security of the Papacy on respect for imperial authority.

While Rome was entering upon a state of calm and orderly existence under the rule of the new emperor, Constantinople was deeply excited by the formidable event which had occurred in the West; for the Byzantines saw in the coronation of Charles the advent of a new Caesar, who would soon claim his rights in the East. Invasion and occupation were likely to follow, since Charles had not merely established a new empire in the West, but had been crowned Emperor of the Romans in the largest sense. All the prerogatives of the Byzantine sovereigns were now expected to be claimed by him.

At Rome also, the whole Empire was regarded as having been transferred to Charles, but here the new order of things assumed the form of large responsibilities. One of the new emperor's first projects was the invasion of Sicily, but the vastness of the enterprise of subjecting to his rule the territories of the East became more impressive the more closely it was contemplated, and the programme of war was soon laid aside for that of diplomacy.

Although the Frankish chroniclers do not mention it, the Greek records prove that a marriage between Charles the Great and Irene was planned, by which "the East and the West should unite to form one Empire."<sup>1</sup> Such was the proposal which, in the spring of 802, the envoys of Charles bore to Constantinople. If the prospect of uniting the kingdom of the Franks with the Greek Empire by the marriage

## CHAP. III

A. D.

800-888

Conflict between Rome and Constantinople

The proposed marriage of Charles and Irene

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<sup>1</sup> The text of Theophanes, *Chronographia*, Bonn, 1883, p. 737, on which this statement is based, may be found in Richter, *Annalen*, II Abt., erste Hälfte, p. 153, together with a discussion of the embassy. "An der Thatsache zu zweifeln, ist man trotz des Schweigens der fränkischen Annalen kaum berechtigt; daher haben auch fast alle neueren Forscher diese Nachricht als glaubwürdig verwertet." See in criticism, however, Ohr, *Die Kaiserkrönung*, p. 102.

## CHAP. III

A. D.  
800-888

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of Constantine VI and Rothrude had opened visions of greatness, this project was a dream of still greater glory; for the united territories of Charles and Irene would not only have far surpassed the widest limits of the old Roman Empire, but their united armies could have subdued the world.

The Byzantine Empress received with joy the prospect of not only conserving but augmenting her uncertain power, and we have pictures of her progress through the streets of her capital at Easter, 802, stretched upon a gilded car, drawn by four white horses guided by four patricians; while the faded beauty, happy in her dreams of glory, scattered largesses among the people, who applauded her as she passed by. But the eunuch Aëtius, who sought to raise his brother Leo to the imperial throne, had set his hand to the task of preventing this marriage, which would have changed the whole course of history. Old antagonisms were rekindled, new ambitions were inflamed, and the court was made to believe that Irene had recognized Charles through fear, and that he would prove a despotic master. The iconoclastic party, foreseeing in the supremacy of Charles the domination of the Papacy, lent its support to the logothete, Nicephorus; who, having obtained possession of the Empress through the treason of her guards, forced her to surrender to him her treasures, and sent her away to a monastery in the island of Lesbos, where, made ill by her misfortunes, she soon ended her unhappy life. Nicephorus, having served as the instrument of the revolution promoted by the iconoclasts, was then elevated by them to the throne.

Rival claims  
to the Empire

Thus two new emperors at the same time laid claim to the Empire, one having been elevated to the imperial office to meet the political requirements of the Papacy, the other having usurped it to execute the vengeance and carry out the plans of the iconoclasts. As respects their personal merits, no comparison can be made between them. Charles the Great, born of a race of able rulers, and himself the ablest of them all, of lofty character and heroic temper, governing



great nations in a spirit of justice by the force of his organizing power as a warrior and statesman, had won his place by virtue of his solid qualities as a ruler. Nicephorus, a rude soldier of fortune, of the lowest extraction, — said to have been descended from a swineherd, — promoted at court by palace intrigues, and borne into power by the tide of a revolutionary rising, in order that he might be the agent of religious persecution, possessed no attribute of moral greatness.

## CHAP. III

A. D.  
800-888

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The right of Charles the Great to the imperial crown has, however, been called in question, while that of Nicephorus has passed without discussion. Since the transfer of the capital of the Empire from Rome, it was at Byzantium that the Imperial Senate had met and confirmed the appointment of new emperors. It is true, as Montesquieu long ago pointed out, that "all ways were good to succeed to the Empire," and the effective means were at different times the army, the clergy, the Senate, the people of Constantinople, and the inhabitants of other cities.<sup>1</sup> But the rôle of the Senate in the choice of an emperor was legally the important element; for, by whatever means a candidacy was initiated or promoted, it was to the Senate that even the usurpers looked for the confirmation which gave validity to their pretensions. Even Nicephorus I invoked and obtained the ratification of his usurpation by a letter addressed to the Senate, although his reign was passed in a continual struggle with that body.<sup>2</sup>

The legality  
of the Roman  
investiture

It was maintained by Hugo Grotius that Charles the Great was legally elected to the Empire, on the ground that

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<sup>1</sup> "Toutes les voies furent bonnes pour parvenir à l'empire; on y alla par les soldats, par le clergé, par le sénat, par les paysans, par le peuple de Constantinople, par celui des autres villes." — *Grandeur et décadence des romains*, chap. 21.

<sup>2</sup> On the general usage, see Lécirvain, *Le Sénat romain*, p. 231 et seq., who says: "L'usurpateur Nicéphore invoque par lettre l'appui du sénat et l'obtient" (p. 232); and adds, "Nicéphore I<sup>er</sup> lutte pendant tout son règne contre l'hostilité du sénat" (p. 234).



CHAP. III  
A. D.  
800-888

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Rome continued to possess the ancient right of choosing an emperor.<sup>1</sup> Pufendorf affirmed that Charles the Great was elected emperor by the Romans, but denied the legality of the election, since the *imperium* had been transferred to Byzantium.<sup>2</sup> The elaborate argument of Wilhelm Sickel to prove a legal election by the Romans cannot be regarded as conclusive; for it not only lacks documentary support, but reduces the requirements of legality to such a scanty minimum that it ceases to be a matter of importance.<sup>3</sup>

It is nevertheless certain that the Franks regarded Charles the Great as emperor "*per electionem Romani populi*." It is reported by a contemporary writer, that it seemed proper to a council, in which the leading men took part, that Charles should be named emperor. The reasons offered for this step are, that the King of the Franks already held in his possession Rome, — where emperors had been accustomed to reside, — as well as other places in Italy, Gaul, and Germany, "to whom God had granted them."<sup>4</sup>

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<sup>1</sup> Grotius, *De Jure Belli ac Pacis*, Amsterdam, 1712, IX, 11.

<sup>2</sup> Pufendorf, *De Statu Imperii Germanici*, Frankfort, 1667, Section 12.

<sup>3</sup> W. Sickel, *Die Kaiserwahl Karls des Grossen*, in the *Mittheilungen des Instituts für österreichische Geschichtsforschung*, Band XX, 1899, p. 1 *et seq.*; and *Die Kaiserkrönungen von Karl bis Berengar*, in the *Historische Zeitschrift*, Neue Folge, Band XLVII, 1899, p. 1 *et seq.*

<sup>4</sup> The attempt of Ohr to show that the coronation and acclamation of Charles were the work of a small clique of Pope Leo's friends only cannot be pronounced successful. It not only contradicts the general documentary testimony to the unanimity of the Romans in acclaiming Charles, but it overlooks the fact that there were motives other than friendship for the Pope for the acceptance of Charles as emperor.

The discovery that the formula of acclamation was part of an ancient and well known hymn of salutation, as shown by Ohr, *Die Kaiserkrönung*, pp. 63-72, by no means proves that the acclamation of the Romans was not an expression of their political will. Certainly, it was not a formal election, but it conveyed none the less distinctly the assent of the Romans to Leo's nomination of Charles. That the programme was probably previously arranged, and that the

Assured of the state of public opinion by the views expressed in the council, it was only necessary for Leo III to find a suitable occasion for eliciting an expression of the general will. This he found in the festivities in the basilica of St. Peter on Christmas day. Not even the conspirators are known to have questioned the imperial rights of Charles, which were based upon the popular will more than upon the authority possessed by the Pope. Conferred by the whole people, — "*universo christiano popolo*" — those rights could not be disputed. The election of Charles was certainly not in accordance with Byzantine forms; but no monarch ever mounted a throne more secure, and no human *imperium* ever had a more solid foundation.

At heart a faithful Catholic, it probably became easier for the Emperor to accept the title, "Crowned by God," as he realized the nature of his work in the accomplishment of the great tasks that were before him. The manner in which he set about the reorganization of his realm indicates that he came to perceive in that startling scene in St. Peter's basilica an inspiration of Divine Providence, and to believe that he was, indeed, called of God to rule over the nations of Christendom as the old emperors had ruled over the Roman world. In this conviction all Western Europe joined, and thus the memories of the imperial past were blended with the sanctities of a believing age in the aureole of earthly glory with which the popular imagination invested the person of the Emperor.

Recrossing the Alps, Charles required a new oath of allegiance from his subjects, both lay and ecclesiastic, by which they swore fidelity to him as emperor. This oath was given

secret purpose of the Pope to crown the King as emperor was confided to only a few persons, does not detract from the significance of the event. The time and place of the coronation were the most public possible in Rome, — the celebration of Christmas day in the great basilica, where it was expected that Charles would be present. The assumption that only a clique of Pope Leo's friends assisted upon that occasion is, therefore, as improbable as it is unsupported by documentary evidence.

CHAP. III

A. D.  
800-888

The acceptance of the Empire by Charles

The new administration in the West

## CHAP. III

A. D.  
800-888

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a special sanctity, for it marked the founding of an almost theocratic government, in which the Emperor became not only the administrator of law, but the guardian of morality and religion. Thenceforth, allegiance to the Emperor involved a solemn personal pledge to live in obedience to God and to abstain from all immorality and pagan practices. The Frankish monarchy had begun in a rule of barbaric force. It had culminated in a reign of religion and enlightenment; for Charles the Great was a diligent student, a patron of learning, and a founder of schools, as well as the champion of the Christian faith. The noblest ideas of his age were fully realized in the conception of the mission which he endeavored to carry into execution by the establishment of a "Holy Roman Empire."

Character of  
the Empire

The principal task of the Empire, as conceived by the mind of that age, was the protection of the Church, and, in particular, of the Papacy. The union of human force, as embodied in the power of Charles the Great, and divine truth, as represented by the Holy See, appeared to be the most fitting system for the maintenance of justice and virtue upon the earth. The devotion of Charles the Great to the consummation of his high mission was the justification of this splendid experiment. But the new *régime* possessed a character different from any which had hitherto existed in the world.

In the time of Constantine the Great, the Papacy had not acquired its distinctive character; but when Charles the Great was crowned emperor, it had become an international institution of first importance. The treaties which the Frankish kings had made with the popes had guaranteed to them the royal protection. These treaties were intended to be of a permanent nature, and Charles the Great loyally accepted and observed all the obligations which the engagements of Pippin had assumed. When the Frankish king became the Roman Emperor, all these obligations were still continued, and relations which were originally international in their nature thus became elements of the imperial constitution.

The results of this transformation are deeply significant

for the history of Europe. A foreign alliance had become a constitutional partnership, for the attributes of a royal protector and a papal *protégé* were now merged in the administration of an empire theoretically universal. The relations of these two forces — both unlimited in their nature and supreme in theory — were undefined, and, in the consciousness of that time, indefinable. The attempt to define them was to be the main task of succeeding centuries, and the problem still remains unsolved.

Notwithstanding the wise use which Charles the Great made of the circumstances which surrounded him, they contained the seeds of discord and controversy which were to produce a bitter harvest for future times. "Was not the imperial crown bestowed by the Pope, and is not he who confers greater than he who receives?" Such were the questions with which the Papacy was, later, to open that fierce debate by which Europe was shaken to its foundations. If the answers to these questions were in the affirmative, there was no escape from the conclusion that the Pope possessed the power to crown and uncrown kings and emperors. If, on the other hand, the Empire affirmed its own inherent supremacy, and treated the office of the Pope as of subordinate importance; upon what foundation, other than that of superior force, could it base its pretensions over the peoples and rulers who, as rebels or as rivals, might set up their own independence and autocracy?

The embarrassment of the civil authority in extricating itself from the dilemma in which fortuitous circumstances had placed it was deep and lasting. When the Empire attempted to declare its independence of the Papacy, not only had historical events imparted plausibility to the papal claims of supremacy, but the Empire could offer no alternative justification for its being and authority other than the assumption that it expressed the direct will of Heaven, without relation to the Papacy, which claimed to be Heaven's sole interpreter. The weakness of this theory was, that it could not maintain its exclusive character; for every actual ruler could present



## CHAP. III

A. D.  
800-888

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the same theoretical claim to divine authority;—and thus was developed the dogma of the divine right of kings. Recourse to the true origin of the Empire,—the sovereignty of the people,—as a justification of its authority, had by that time become seriously embarrassed by dynastic pretensions which tended to substitute the principle of inheritance for that of election.

But, if the new relations between the Empire and the Papacy were to prove in later times an embarrassment for the temporal power, a far greater misfortune had fallen upon the spiritual. The Papacy had, indeed, after more than two centuries of struggle and tragedy, found a capable protector in the person of Charles the Great; but the fact that the Pope had become dependent upon the protection of the Emperor was in the future to cause the suppression of papal autonomy and a perversion of spiritual powers to merely personal and political ends, to which they were destined to be made subservient. One after another, the mail-clad warriors who were able to subdue the feudal barons of Germany to their overlordship were to cross the Alps, to wring from the hands of the bishops of Rome the doubtful honor of the imperial crown; and, in default of obsequious compliance, the throne of St. Peter was to be filled with more willing instruments of their ambition.

Still, for the age in which it was accomplished, the restoration of the Empire was undoubtedly a blessing. The men of that time did not make the distinctions which were magnified to such proportions when, in a later period, opposing theories of the Holy Roman Empire were invented to support conflicting claims. For that age, the partnership of the Papacy and the Frankish monarchy was the coequal union of the spiritual and temporal powers of Christendom in one divinely appointed scheme of human government. The antagonism inherent in the dual headship of Western Christendom was for a time not apparent, but a kingdom not of this world and a feudal empire could not long subsist in the same system without disclosing their antinomies. The efforts to evade



their contradictions by mere temporary expedients fill a large space in the history of diplomacy.

CHAP. III

A. D.  
800-888

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## II. THE EMPIRE OF CHARLES THE GREAT

Although, as emperor, Charles the Great claimed dominion over all the imperial lands, the realm which he effectively ruled from his capital at Aachen extended over an area about twice as great as that which he had received from his father as King of the Franks, and included three kinds of territory: (1) that which he ruled directly through inheritance or conquest; (2) that which he held tributary and suffered to be governed by its own native chiefs; and (3) the Patrimony of St. Peter, forming a protectorate ruled by the Pope as a temporal authority.<sup>1</sup> In its narrowest sense, this realm included the whole of Europe from the Baltic to the Pyrenees, and from the Atlantic to the Elbe and the head of the Adriatic. In its widest sense it comprised the vast spaces east of Germany occupied by the Slavs as far as the Vistula, and by the Avars as far as the Theiss; while to the south it included, in addition to Northern and Central Italy, the great duchies of Spoleto and Benevento in Southern Italy, and in Spain extended nearly to the Ebro.

The realm of  
Charles the  
Great

As compared with the old Roman Empire in Europe, while the realm of Charles did not include Great Britain or the whole of the Spanish peninsula, it added the enormous ter-

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<sup>1</sup> The authority of the Pope in the papal territory was not, however, absolute. This territory had always been and continued to be a part of the Empire. Charles the Great, therefore, possessed over it the ancient imperial rights, but the treaties and grants made by Pippin and himself qualified these rights and conferred certain sovereign privileges upon the Pope. "Hätte Karl jene römische Staatsallmacht, die einst auch über die ganze Province Italien geboten hatte, in seinem Imperium erneuert, von den Grenzen des päpstlichen Territoriums hätte sie gleichwohl Halt machen müssen, denn hier schlossen eine solche Gewalt die vor dem Kaiserthum übernommenen Verpflichtungen aus." W. Sickel, *Die Verträge der Päpste mit den Karolingern*, p. 26.

## CHAP. III

A. D.  
800-888

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The organiza-  
tion of the  
Empire

ritory which Rome had never invaded to the north,— the original home of the Germanic races who had submerged the Western Empire,— and carried the frontiers of Christendom far into that “*terra incognita*” of the Romans out of whose mysterious depths had come forth her barbarian conquerors.

With remarkable administrative genius, Charles the Great devoted his best energies to the organization of this vast realm. Including, as it did, a variety of races and a wide diversity of national impulses, the forces of decentralization were difficult to overcome. The great dukes were regarded by Charles as the chief danger to the unity of the Empire, and as far as possible the duchies were on that account divided into countships. Only upon the most exposed frontiers, where strong defences were necessary, was more than one countship placed under the government of one man; the so-called “*marches*” (*Marks*) of Brittany, Spain, Friuli, Pan- nonia, and Nordalbingia being governed by “*margraves*” (*Markgrafen*). The counts, who usually held office for life, were the principal instruments of the imperial administration, being carefully chosen and intrusted with large local powers, but subjected to a strict discipline.

But the most effective agency of his administration was the use made of the *missi dominici*, or king’s messengers. Following a custom of the Frankish mayors of the palace, to which he gave greater method and precision, the Emperor selected from his most trusted officers these *missi*, who were annually sent in pairs — one being a layman and the other an ecclesiastic — to every part of the Empire, in order to observe and report upon the conduct of the counts and bishops. The duties of the *missi* were manifold but strictly defined. They were charged to see that the “*commandments of God*” were nowhere violated, that justice was everywhere respected, that no wrong was done to the poor or the helpless, and that the counts and bishops lived and ruled in peace and harmony.

When the *missi* had reported the results of their investigations and the court had considered them, the conclusions

arrived at were formulated in "capitularies," or chapters of imperial legislation, sent out for the future government of the Empire.<sup>1</sup> Thus, a kind of moral unity was imparted to the entire realm, wrong-doers were held in restraint, the injured were provided with means of redress, and the whole population was made to feel the force and beneficence of the Emperor's rule.

The envoys of Charles the Great sent to negotiate the marriage with Irene — accompanied by a legate of Pope Leo III, who had favored this plan of uniting the Empire — were still present in Constantinople when the Empress was overthrown by the palace revolution which, in August, 803, brought Nicephorus to the throne. Their mission having ended with such a thrilling tragedy, the envoys were sent back by Nicephorus without further negotiation; but as the new emperor did not wish to embarrass his reign with an unnecessary conflict, his own envoys were at the same time despatched in company with them to bear proposals of peace and friendship to Charles the Great. The situation was a difficult one to meet, for a frank recognition of the legitimacy of the imperial title of Charles by Nicephorus would have been equivalent to his own abdication; while without it negotiation was hardly possible. So far as we can learn from the meagre records of the time, Nicephorus confined his communications to a declaration that he wished to be a "faithful friend," regretted that he and Charles were not "nearer neighbors," and was disposed, if opportunity offered, to "treat him as a son" and "enrich his poverty."

Relations between the East and the West

We do not know the contents of the reply to this clumsy overture, but it was no doubt duly resented; for Charles was not in a mood to accept the patronage of his rival, and Nicephorus was so displeased with his response that no reply was sent and all intercourse was broken off. For a period of nine years a deep estrangement existed between the two

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<sup>1</sup> See the Capitulary of 802 in Henderson, *Select Documents*, pp. 189, 201.

## CHAP. III

A. D.  
800-888

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The transfer  
of influence  
to the West

emperors. Charles, although desiring peace and disposed to divide with Nicephorus the possession of the Empire, demanded the recognition of his right to be regarded at least as an equal and a brother, while Nicephorus, clinging to the traditional exclusiveness of Byzantium, was determined to treat his rival as a mere barbarian king.

The grave situation of the Eastern Emperor rendered impossible aggression on his part, for he was wholly preoccupied in defending his frontiers, and even his capital, which was often exposed to capture. Surrounded by enemies in alliance with Charles, — Haroun-al-Raschid, the Bulgarians, and the Avars, — the Byzantine territories were repeatedly desolated with fire and sword, while Aachen became the centre of international influence. Hither, numerous embassies were sent from Spain, Arabia, England, Denmark, and other lands, to court the alliance and seek the counsel of the Emperor, while Constantinople lost prestige and maintained a desperate struggle to preserve its existence. In the East, Charles the Great was honored with the tutelage of the Holy Places, which had previously been under the care of Byzantium. In the year of his coronation, the Patriarch of Jerusalem sent to him by a special embassy the keys of the Holy Sepulchre, together with the keys and standard of the city, inviting the patronage of the new emperor, as Gregory III had once besought the protection of Charles Martel. In return, Charles sent an embassy to assure himself of the security of the Eastern Christians, and received in response as a gift from Haroun-al-Raschid the cession of the Holy Places, which that generous ally formally undertook to protect in the name of his friend. In Egypt, Carthage, and other parts of Africa, he entered into friendly relations with the Mussulman princes, and received marks of honor and deference from Alonzo II of Galicia and Asturia and the Scottish kings. By his justice, moderation, and magnanimity, Charles the Great not only transferred to himself the former prestige of the Byzantine emperors, but left Nicephorus in a state of political isolation.



As in the days of the old Roman Empire a division into an eastern and a western portion had become a political necessity, on account of its magnitude and physical conformation; so now, although the essential unity of the Empire was still maintained in theory, it was practically divided into two realms, the Frankish and the Byzantine. The Adriatic, separating in great part the territories of these two dominions, furnished to the East a strong bulwark, on account of its superior naval power. On land, the vast area of Pannonia and Dacia, still occupied by barbarian tribes, formed a practically impassable barrier to the advance of either of the two contestants. Thus, with the exception of the cities of Italy still held by the Byzantines, there were few points of contact between the lands of the East and those of the West where military operations could be advantageously undertaken.

## CHAP. III

A. D.  
800-888Physical separation of the  
two realms

It was in Italy, therefore, that the conflict between the rival emperors was most to be expected. There, the little Republic of Venice, Italian by its origin and racial affinities, Byzantine by its political relations and commercial interests, from a geographical point of view might properly be claimed as a natural appanage of the Frankish dominion, while in reality it was a half-independent possession of the East. The equivocal character of the Republic was emphasized by the existence of two factions within its borders, one adhering to the Franks, the other to the Byzantines, while the dominant note of its policy was an indisposition to surrender itself entirely to either. Thus, by the practice of a dexterous diplomacy, for which it afterward became celebrated, this little state, protected by its insular situation, was in the course of time to acquire complete independence through the simple expedient of adhering to a master too weak, or too apprehensive of revolt, to repress its liberties.

The conflict  
for Venice  
and the  
Adriatic

Considering the military prowess of Charles the Great, it may appear at first sight surprising that he did not make a more vigorous effort to expel from Italy the last traces of Byzantine influence by the capture of all the cities still ad-



## CHAP. III

A. D.  
800-888

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hering to the East. The preoccupations of Charles in his wars with the Saxons, the Slavs, the Danes, and other enemies, and the internal reorganization of his realm, in part, perhaps, explain this moderation; but it cannot be fully understood without reference to the settled policy of Charles in relation to the Eastern Emperor. This policy was, by patient persistence in maintaining his imperial standing, and by a just and equitable treatment of Nicephorus, to obtain from him, if possible, that recognition of equality which had been denied, and to establish with him relations of fraternity in the government of the two realms.

It was not in a spirit of conquest, therefore, but to suppress the domestic quarrels of the Venetians, that Charles first intervened in their affairs. In 803, Fortunatus, Archbishop of Grado, an astute and ambitious prelate, having been driven from his see by the dukes of Venice, took refuge with Charles, beseeching intervention in his own behalf. Apparently indisposed to interfere in this dispute, the Emperor obtained from Leo III another episcopate for the refugee, but made no attempt to enforce his will upon the Venetians. When, however, after his rupture with Nicephorus, the Venetian tribune Obellerius and his brother Beatus sought refuge with him, Charles received them on Christmas day, 806, with other Venetian leaders, and invested them with the duchy of Venice. The revolution having been accomplished with the aid of the Frankish soldiers, Nicephorus sent a fleet to reclaim his lost possessions, but the expedition proved a failure and Venice became a dependency of Charles the Great.

The tendency  
toward feud-  
ality

A feature of the time having a far more important bearing upon the destiny of the Empire than its foreign relations, was the strong tendency toward feudality. A grant of lands,—and afterward of offices and other public privileges,—known by the name of “benefice,” “fee,” or “fief,” was common in early Frankish history, and was much extended under Charles the Great. The donor was sometimes the King, sometimes the Church, and sometimes the nobles. At

first, the "benefice" was only for life, but tended to become hereditary. The beneficiary entered into a personal contract with the donor for services in return, and thus grew up a mass of private obligations on which were based groups within the state bound together by interests that were not of a public character.

Charles the Great employed the "benefice" for the strengthening of imperial unity; but the system, accompanied by "commendation" and "vassalage," became a cause of ruin to the Empire. The "vassal" in "commending" himself to his "lord" by a symbolic act of servitude created a private relation more sacred than his relation to the state. While vassalage served to bind to the Emperor the powerful personalities of his time, the great barbarian princes upon his borders, — Slavs, Britons, Danes, and Avars, — as well as his own chief officers, it opened the way to those *imperia in imperio* which were destined at last to destroy the central authority. It furnished an instrument in the hands of wealth and power everywhere for breaking down and defying all general control. When to all this was added the privilege of "immunity," accorded to those persons specially favored by the royal power, or claimed as inherent in the donation of royal lands, by which the beneficiary was exempted not only from taxes but also from the visits of public officers to enforce justice, the system became almost equivalent to the abdication of sovereignty.

It is singular that Charles the Great, who did so much to maintain the unity of the Empire during his life, was so careless of its continuance after his death. Following the custom of the old Frankish kings, in 806 he provided for a division of his realm between his three sons, Charles, Pippin, and Lewis. The partition was not based upon any principle of racial affinity and rested on a merely arbitrary geographical grouping. The demarcation of boundaries was defined with great particularity, and a somewhat complicated plan of succession was arranged, to take effect in case of the death of any of the brothers; but it is sufficient for our purpose to note

The partition  
of 806

## CHAP. III

A. D.  
800-888

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that, in general, Northern Gaul and Germany north of the Danube were to constitute the portion of Charles; Italy and the Germanic lands south of the Danube that of Pippin; while Southern Gaul, the Spanish March, and the western and southern parts of Burgundy were to form the kingdom of Lewis. In order to prevent conflict between them, each of these kings, although intended to be strictly autonomous within his own domains, was forbidden to receive the rebel vassals of another, and royal benefices could not be held in more than one kingdom. That Charles had in 806 no intention to perpetuate the imperial title, is evident from the fact that it was not even mentioned in his elaborate testament. When his wishes were submitted to his counsellors, only one, Theodulf of Orléans, is known to have expressed a preference for a single successor who should maintain the imperial unity.

Views of  
Charles on the  
nature of the  
Empire

It is probable that Charles fully realized the true nature of the vast realm that had been brought together under his rule; which, in truth, possessed no solidarity except that imparted by the community of religious faith and the exceptional personality of the Emperor himself. He seems to have considered it more desirable for the three kingdoms, all and equally devoted to the cause of the Catholic faith and guided by its spirit, to dwell together in essential harmony than for one of his sons to maintain the primacy implied by the imperial office. Over against the theoretical reasons for formal unity, Charles the Great had, to support his view, the solid argument of successful experience; for, during the previous twenty years, his sons had conducted the local government; Charles having ruled over Neustria, Pippin over Lombardy, and Lewis over Aquitaine.

The confraternity which Charles the Great had thus proposed to substitute for the unity of the Empire reveals the German quality of his mind in contradistinction to the Roman mode of thinking. The local rather than the general authority seems to have been regarded by him as possessing the first importance, and in this he discloses the high character of his statesmanship.

The deed of partition, having been sent to Pope Leo III for his approval, received his endorsement; but the death of Pippin in July, 810, and of Charles in December, 811, left Lewis, the youngest of the sons, the sole survivor. To him, therefore, Charles the Great left the imperial title and the entire realm, except that Bernard, the natural son of Pippin, was assigned the kingship of Italy under the imperial supervision. In disposing of the crown bestowed by the hands of Leo III, the Emperor acted without consultation with the Pope. Having submitted his intentions to a general assembly and several provincial synods, his will was ratified; and in September, 813, the imperial crown was placed upon the head of Lewis as co-regent and successor in the Empire.

If Charles the Great had, under the influence of Leo III, entertained serious illusions regarding Byzantium, they appear to have been dissipated by the rude disenchantment which followed the tragic overthrow of Irene and the failure of his first diplomatic mission to Nicephorus. From that time forward, the idea of wasting energy upon the pursuit of a chimera was sagaciously abandoned, and the policy of maintaining his coequal rights in the Empire and finally obtaining the recognition of them at Byzantium seems to have been the measure of his ambition.

When, in 810, Venice had faithlessly decided to abandon its Frankish alliance and resume its relations with the Greeks, Charles the Great directed his son Pippin to assault the Republic, with the purpose of compelling its allegiance; but, although he took possession of several islands, he could not capture the Rialto, which thenceforth became the stronghold and capital of Venice. The Frankish fleet attempted also to assert authority over the coasts of Dalmatia, but was driven away by the superior naval power of the Greeks.

By the treaty of peace which followed this conflict, the coasts of Istria and Dalmatia were surrendered to Byzantium, while the Franks retained the interior of the country and placed a duke over the Croats and Dalmatians. Venice was permitted to adhere to Byzantium, but required to pay

CHAP. III

A. D.

800-888

The Treaty of  
Peace with  
Byzantium



## CHAP. III

A. D.  
800-888

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an annual tribute to the King of Italy, an obligation which was recognized till the tenth century.

But the important part of the treaty of peace was the complete surrender of the Eastern Emperor to the imperial pretensions of Charles the Great. The principal aim of his negotiations with Byzantium had been to secure this recognition as a colleague and brother, and to establish a fraternity in the conduct of the affairs of the two realms based on the principle of the unity of Christendom and the defence of the Christian faith. He had waited long and patiently for this result, as we learn from his letter to Nicephorus written in 811, in which he says: "We have long remained in suspense and a prey to expectation, asking ourselves when we should obtain, either by an embassy or by letters, a friendly reply from Your Fraternity." With undisguised joy, Charles assures Nicephorus of the pleasure he receives from the prospects of a peaceful settlement of the differences between them.

But Nicephorus was never to receive this remarkable epistle. Before the arrival of the envoys who bore it, together with the text of a treaty of peace, which, unfortunately, has not come down to us, the Greek emperor had fallen in battle amid the disastrous defeat of his army by the Bulgarians. The head of the fallen monarch had been sent to Krum, the Bulgarian Khan, who, having mounted the skull with silver, converted it into a drinking-cup.

Having finally been saluted as "Basileus," or Emperor, by the ambassadors of Nicephorus at Aachen, Charles, in 813, wrote to Michael I, who had ascended the throne at Byzantium, to the end that "peace should be established and the two empires federated and united in the love of Christ." In this letter he employed the expression "the Empire of the East and the Empire of the West," which gave offence to the Greeks, who were still reluctant to admit the claims of Charles and to accord the proud and exclusive title, "Basileus." The exchange of copies was on this account delayed, and when the embassy brought back to Aachen the Greek ratifications the great emperor had passed away.



On January 28, 814, Charles the Great was laid to rest under the dome of the cathedral he had built at Aachen; but he long continued to live in the legends and romances which the popular imagination wove about him. The greatest warrior and statesman which Europe had produced in nearly a thousand years, all Christendom continued to regard him as the embodiment of its ideals and aspirations; and when, ten centuries later, Napoleon I wished to invest his coronation with the emblems of imperial majesty, it was to the tomb of the great Charles that he made his reverential pilgrimage, sending to Paris the sword and insignia of the mediaeval monarch as the proudest trophies of his new empire. The French claim him as their great hero under the name of "Charlemagne," and the Germans under the name of "Karl der Grosse"; but he properly belongs to no particular nation, for he was one of the makers of Europe in its largest sense.

CHAP. III

A. D.  
800-888The death of  
Charles the  
Great

### III. THE DISMEMBERMENT OF THE EMPIRE OF CHARLES THE GREAT

The entire realm of Charles the Great fell by inheritance to the feeblest and least capable of his sons, whose abnormal conscience and unstable will have won for him the appellation of the "Pious" and the "Débonnaire." Better adapted to the life of a monastery than to the responsibilities of a throne, this weak and vacillating ruler, dominated by morbid impulses and spasmodic penitence, was the victim of feminine ambition, the jealousy and rebellion of his sons, and evils inherent in his time which only the hand of a powerful master could have held in check. Dismissing his father's trusted ministers, attempting a series of futile reforms, and prostrating himself before imaginary terrors, he soon undid the great work that had been accomplished. Taking with his own hands from the altar of the cathedral in Aachen the crown his father had bestowed upon him, he placed it upon his head amid the approving shouts of his nobles; but, when Pope Stephen IV, in 816, crossed the Alps bearing an impe-

The corona-  
tion of Lewis  
the Pious

## CHAP. III

A. D.  
800-888

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rial diadem, Lewis prostrated himself upon the ground before him and permitted himself to be crowned again by the Pope at Reims. It was the first time in history that a crown had been thus received.

Although Stephen IV so far ratified the coronation of Lewis in 813 as to date his reign from that year, an unusual significance was attached to this second coronation. The crown which Stephen brought from Rome was presented as a gift from St. Peter, and was soon afterward referred to as "the crown of Constantine." It cannot be doubted, therefore, that this act was one of political significance, not as affecting the royal prerogatives of the Frankish kings, but as implying a certain dependence upon the Papacy in connection with the Roman Empire. Henceforth all the emperors are crowned by the Pope, even though, as in the case of Lothair I, there was a previous coronation.

The "Donation of Constantine"

The procedure of Stephen IV no doubt obtained its chief significance from the alleged "Donation of Constantine."<sup>1</sup> This document, now universally admitted to be a fabrication, purports to be a deed of gift made to Pope Sylvester I by the

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<sup>1</sup> That the alleged "Donation of Constantine" is a forgery of the Middle Ages has long been known and is now universally admitted, but the date of its composition has been the subject of many theories and much discussion. Brenner has fixed the date between 813 and 816 and connected its fabrication with the coronation of Lewis the Pious. See his article in *Berliner Festgabe für R. von Gneist*, pp. 1-35 and his *Die Constantinische Schenkungsurkunde*, Berlin, 1888. Hauck, on philological grounds, has fixed the date in the pontificate of Stephen II, before 757. See Luthardt's *Zeitschrift für kirchliche Wissenschaft und kirchliches Leben*, 1888, pp. 201-207. The question has been elaborately discussed by Scheffer-Boichorst, — *Mittheilungen für österreichische Geschichtsforschung*, Bd. X, pp. 302, 325, and Bd. XI, pp. 128-146, — who fixes the date in the pontificate of Paul I, that is, between 757 and 767. The arguments of Scheffer-Boichorst are chiefly philological, and it is probable that the last word on this subject has not yet been spoken. Whatever the true date of the composition may be, the coronation of Lewis the Pious by Stephen IV is the first occasion when the forgery is directly connected in contemporary writings with a public act.

Emperor Constantine the Great, in which the Pope is granted the highest honors, confirmed in his primacy over the Eastern patriarchates, and offered an imperial diadem. The fact that Stephen IV carried a crown from Rome to be conferred upon Lewis, easily gave rise to the conjecture that this crown was the identical diadem offered by Constantine to Sylvester. The deed of gift conveyed to the Pope dominion over Rome and all of Italy, "or the western regions." To insure the acceptance of this extraordinary document, it was added that, "if any one prove a scorner or despiser in this matter, he shall be subject and bound over to eternal damnation; and shall feel that the holy chiefs of the Apostles of God — Peter and Paul — will be opposed to him in the present and in the future life."<sup>1</sup>

CHAP. III

A. D.  
800-888

Having received the papal blessing, Lewis, in utter disregard of his father's will, which left Italy to Bernard, promptly subdivided his empire, making his eldest son, Lothair, co-emperor with himself, with the kingdom of Italy as his portion during his own life; assigning Aquitaine to Pippin, his second son; and Bavaria to Lewis, the youngest. But Bernard rose in rebellion against this dispossession, and, notwithstanding a safe conduct that had been given him by the Emperor, was thrown into prison and condemned to death. Lewis, as an act of grace, commuted the sentence to blinding, but the work was done in such a clumsy manner that Bernard died. Filled with remorse, Lewis now fell into a state of melancholy, increased by the death of his wife, Hermengarde, who was believed to have caused the death of Bernard; but, following the advice of his counsellors, he ordered a concourse of beauties to be brought before him, and, choosing the fairest, was soon consoled with the lovely Judith, the young daughter of Welf, Count of Altdorf in Suabia.

Policy of  
Lewis toward  
his sons

Their son, Charles, born in 823, became the occasion of

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<sup>1</sup> See the English translation of the text in Henderson, *Select Documents*, pp. 319, 329.

## CHAP. III

A. D.  
800-888

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The later  
partitions of  
the Empire

untold evils to the Empire. His mother insisted that he also should be provided with a kingdom, and Lewis yielded to this demand. A violent rebellion supervened, the elder sons deprived their father of his liberty, and deposed him from the throne. The absurd penances and melodramatic confessions of Lewis divested him of all dignity before his court; but the humiliations and sufferings imposed by his sons rallied about him the sympathy and support of the nobles, and, in 830, his crown was restored; but his folly was not ended.

No sooner had Lewis remounted the throne than he renewed the contest with his sons by stripping Lewis and Pippin of a portion of their lands in the interest of Charles. Lothair, accompanied by Pope Gregory IV, crossed the Alps with an army to resist his father's projects. The other brothers eagerly joined their forces with those of Lothair, while the Pope, entering the camp of the Emperor to negotiate, secretly used his influence to disband the imperial army, which soon melted away to augment the forces of his rebellious sons. Left alone in his camp, Lewis, broken-hearted, delivered himself into the power of the rebels. A list of his offences was prepared and put into his hands; then, in the garb of a penitent, he was made to confess his sins before the people. Though once more restored to power in 835, the Empire had received in his person a fatal humiliation. The Papacy, also, had suffered in reputation; for the scene of the defection from Lewis has been called "The Field of Lies." It is due to Gregory IV, however, to observe that his mission was in the interest of peace. Not only had the unity of the Empire been destroyed by the fatal policy of partition, but the harmony of its parts was now imperilled by the stubborn folly of the Emperor.

The pathetic story of the vacillations and illusions by which Lewis undermined his throne is too long to be recounted here. After a series of civil wars and unwise partitions, the misguided monarch finally left his empire to be fought for by his sons. Pippin of Aquitaine having died, the last partition gave Lewis the Duchy of Bavaria, leaving



Lothair and young Charles to divide the remainder of the imperial realm between them. Lothair, with the title of Emperor, was to have the middle part of the Empire, including Saxony, the lands of the Rhine and the Meuse, Suabia, Burgundy, Provence, and Italy; while Charles was to receive Neustria and Aquitaine, being the greater part of Northern and Western Gaul. The young son of Pippin of Aquitaine, who bore his father's name, was to be totally disinherited.

CHAP. III

A. D.  
800-888

By the death of Lewis the Pious in 840, the imperial title fell to Lothair, but he was far from possessing the Empire. His opportunity to show his fitness for it revealed the extent of his incapacity. Instead of seeking to obtain the ratification of his father's will by negotiation with his brothers, he disregarded the provisions of the only document upon which he could rest his claims, and began war against both Charles and Lewis. While Lothair was pursuing his ambitious schemes to reduce his brothers, they resolved to combine against him, and he soon found himself between two armies advancing toward the Rhine to overwhelm him. Seeking to increase his force before risking a battle, Lothair promised to establish young Pippin in the kingdom of Aquitaine, if he would aid him with his army. The offer was accepted. Lothair temporized by a pretence of negotiation until his ally was in the field, then promptly announced that a battle was necessary. It was a reckless decision, for the battle of Fontenoy, fought on June 25, 841, was to end the glory of the Frankish Empire, and its bloody field was to be the birthplace of new nations.

Lothair Em-  
peror

While Lothair retreated with his shattered army to Aachen, and Pippin led his broken forces back to Aquitaine, Lewis and Charles resolved to reap the fruits of their victory. The next spring they met at Strasburg, and bound themselves by a solemn oath to pursue Lothair to his capital, and wring from him a recognition of their rights.<sup>1</sup> This Oath of Stras-

The Oath of  
Strasburg

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<sup>1</sup> The text of the "Oath of Strasburg" is found in Dumont, *Corps diplomatique*, I, Part I, p. 9. The oath of Lewis begins: "Pro deo



## CHAP. III

A. D.  
880-888

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burg is esteemed as a most precious document, because it is the earliest evidence of the progress made in the formation of two great national languages which we now know as French and German; for the followers of Lewis, — Saxons and Bavarians, — differed so widely in speech from the West Franks, who were led by Charles, that neither side could understand the other. Hence Lewis took the oath in French while Charles made his vow in German. It was a significant token of that great change which had been going on for centuries, by which the Franks of Gaul were Latinized, while the Germans were developing their own native elements of speech and thought. At the time when Charles the Great began to organize his empire, the Germans were still living in their old tribal relations. More than any other influence that had yet affected them, the Empire, by creating a wider community of interests, had touched and awakened their national instincts. When political events rendered possible a new grouping of races and languages, which the influence of the Empire had both stimulated and retarded, the developing spirit of nationality was to create an antagonism between the Latin and the German which has never ceased to affect the destinies of Europe.

The Treaty  
of Verdun

Driven from his capital by his allied brothers, Lothair halted at Lyons to consider the chances of making peace. After negotiations undertaken at Metz and Coblenz, a treaty of peace was finally signed at Verdun, in August, 843, which recognized the nominal existence of the Empire, at least so far as the imperial title was concerned.<sup>1</sup> This honor was accorded to Lothair, but without corresponding prerogatives. The territory of the Empire was divided into three portions, the lines of division running as nearly as possible north and

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amur et pro christian poblo et nostro commun salvament," etc.; that of Charles: "In godes minna ind in thes christianes folches ind unser bedhero gehaltnissi," etc.

<sup>1</sup> The text of the treaty of Verdun does not exist, but the substance of it is contained in the *Annales Fuldenses*. See Richter, *Annalen*, zweite Hälfte, II Abtheilung, p. 325.

south. The central portion, assigned to Lothair, was a long, narrow strip, extending from the North Sea as far south as Central Italy, and containing the two imperial capitals, Rome and Aachen. It included the territory extending from the mouths of the Rhine and the Yssel on the north to the mouth of the Rhone, and comprising the most of Burgundy, all of Provence, and the greater part of Italy. The eastern portion, ceded to Lewis, who is henceforth called the "German," included all the Germanic lands east of the Rhine, — Saxony, Franconia, Suabia, and Bavaria, — and the suzerainty over the Slavic tribes to the East. The western portion, ceded to Charles, known to later times as Charles the "Bald," comprised Neustria, Aquitaine, the Spanish March, and Western Burgundy. Young Pippin was entirely stripped of his heritage, which was given to Charles.

The Treaty of Verdun is, perhaps, in its influence upon European history, the most important international document ever written; for it not only bequeathed to Europe its two most coherent and permanent national units, France and Germany, but created between them a field of contention on which they were to fight out their interminable conflicts. The kingdoms of Charles the Bald and Lewis the German, corresponding in a broad sense to the two modern nationalities of France and Germany, each possessed a certain racial unity and geographical coherence; but the kingdom of Lothair was a miscellaneous aggregate of disparate territories, without any natural bond or principle of unity. Composed of the most diverse populations, a prey to the cupidity of its neighbors on both sides, its extremes remote from each other and separated by the great barrier of the Alps, it was exposed to every danger and devoid of every natural protection. The fertile valleys of the Rhine, the Rhone, and the Po; the whole of the Netherlands; Alsace-Lorraine, Burgundy, Switzerland, Savoy, and Italy, — all these theatres of dynastic struggle and international tragedy were within the limits of the ill-fated kingdom of Lothair. We shall see how quickly its fictitious unity was broken and its doom of

## CHAP. III

A. D.  
800-888

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dismemberment pronounced. Predestined by the Treaty of Verdun to be the gage and pawn of nations, and to be divided into small border states separating the territories, while at the same time tempting the ambitions of great antagonists, it has become the most fiercely contested battle-ground of Europe. Its possession being essential to the pretensions of empire, it has been the prey of every great conqueror and the victim of nearly every European readjustment.

The Carlovin-  
gian confrat-  
ernity

The partition of Verdun created a new problem. The Empire, under Charles the Great, had represented the unity of Western Christendom; but now that its territory was divided into three nearly equal portions, under three nearly equal rulers, what could preserve that unity and prevent internecine wars between these independent kings? The Church was deeply interested in this problem, for the Empire was not only its creation, it was still necessary to its highest interests, which were now seriously endangered. The establishment of separate monarchies revived the possibility of national churches and exposed the border bishops, whose estates were subdivided and placed under two forms of authority, to the danger of spoliation by both; while the restriction of the imperial jurisdiction reduced the Emperor to little more than an Italian king, unable to defend the broader interests of the Church, and more likely to impose upon the Papacy that royal supremacy which the Empire had thus far served to avert.

Lothair attempted through the appointment of Drogo, a natural son of Charles the Great, as Archbishop of Metz and Vicar of the Holy See over the countries north of the Alps, to create a bond of union between the three kingdoms; but Drogo never exercised his prerogatives, and the scheme proved futile. Nothing was left, therefore, but for the brothers to respect the provisions of the Treaty of Verdun, and to govern in accord with one another. This idea was supported by the bishops, and efforts were put forth to create, as a substitute for imperial unity, a "confraternity" which would secure peace and concord. At Thionville, in 844, after an inter-

change of embassies and laborious negotiations, the three kings held a conference in which "the rights of fraternity and charity" were proclaimed to be inviolable, and the confraternity was thus established. The compact was, in substance, based upon two pledges: (1) not to inflict injuries upon one another; and (2) to render mutual assistance. It was, in effect, an attempt to create in place of the unitary empire which the partition had practically dissolved, a federal empire in which the three brothers were co-sovereigns.

CHAP. III

A. D.  
800-888

The whole period following the accession of Lewis the Pious was not only filled with family feuds and civil strife, but devastation was spread over the whole Empire by the barbarian invaders who beset its borders, ascending its rivers, and penetrating far into the interior. The ships of the Vikings harried the coasts and ravaged the valleys of the North and West; the Arabs attacked the shores of the Mediterranean, occupying Sicily and Southern Italy; while the Hungarians swept over Eastern Germany, at first without resistance. Devoid of central authority, weakened by civil war, and preoccupied with its dynastic dissensions, the divided Empire was unable to afford protection to its frontiers; and the invaders, emboldened by its impotence, extended their incursions farther into the interior. The Arabs of Sicily sent their piratical craft to the rich ports of Northern Italy, and a band of Spanish Moors seized and held the sea-girt fortress of Fraxinet, from which they ravaged the south of France. The whole valley of the Rhone was pillaged, and bands of plundering Magyars and Saracens are said to have met and fought each other near Neuchâtel, in the very heart of the Empire. After devastating the land, the Danes even plundered the old capital of Aachen, stabling their horses in its cathedral and desecrating the tomb of Charles the Great.

The new in-  
vasions

The rapid movements of the invaders and the absence of effective strongholds presented difficulties with which neither the imperial nor the royal powers were competent to deal. Local defence became necessary everywhere, and only local

The develop-  
ment of feu-  
dalism



## CHAP. III

A. D.  
800-888

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authority was able to provide for it. The feudal land tenure had for a long time prepared the way for feudal government. The domination of the counts and bishops, so ably held in check by Charles the Great, had found a new opportunity in the dissensions of the Empire, and had increased enormously; for, as central power was relaxed, local power became more absolute. The warring kings of the divided Empire sought to propitiate the favor of the greater nobles, and these were thus confirmed in their local freedom and importance.

When, therefore, the invaders came, it was to the counts and bishops, rather than to their distant rulers, that the people looked for protection. The rivers were defended by fortified bridges; castles, hitherto unknown in the Frankish realms, were erected in great numbers and of formidable strength; and while the population, seeking protection from the invaders, gathered under their walls, mailed horsemen went forth to defend the fields. Thus grew up a new social system, military at first, but finally also political; for the feudal castle became the seat of public authority as well as the general asylum of shelter, and the armed horseman who possessed it with his retinue of retainers was the only representative of effective government.

Thus garrisoned, the country was able to put an end to the incursions and pillage of the invader, but a new political order had been thereby engendered. The protector and the protected, the lord and his vassal, the castle and the land, the knight and his retainers,—these were to remain when the Arab, the Viking, and the Magyar had departed; for they were enduring elements of social reorganization, and, though kings and emperors were still to be crowned, it was the feudal barons in their strongholds who were to rule the people, as they had saved the land in its hour of danger.

While the partition of Verdun had made as nearly as possible an equal division of the imperial territory between the three monarchs, it had accorded to Lothair the title of Emperor. Although no provision was made for exercising the



titular primacy thus bestowed upon him, his central position between his brothers gave him the balance of power and the place of a pacificator; for, by turning his hand to one or the other side, he could secure their observance of the principles of the confraternity. It was impossible, however, for the Emperor to forget that the alliance of his brothers by the Oath of Strasburg had created the existing condition of affairs. Isolated, he was powerless to accomplish his will with either. United, they were, in reality, the masters of the situation. Jealous of the good understanding between Charles the Bald and Lewis the German, Lothair endeavored first to make a personal alliance with Lewis; then, having failed in this attempt, to form a closer union with Charles. The long story of the diplomatic negotiations between the three monarchs is of too little importance to the history of Europe to be recounted here. Nor is the Treaty of Mersen of 851, by which the confraternity became a specific compact, of great significance. The personal alliance which Lothair sought was secured by the Treaty of Liège of 854, but it bore no fruits either to him or to Charles the Bald, who was obliged to depend upon himself alone in suppressing the uprising of Pippin of Aquitaine and in withstanding the army sent against him by Lewis the German.

The death of Lothair I, on September 28, 855, occasioned a further dismemberment of the Empire, by which the imperial title, with Italy, passed to Lewis II; Lotharingia to Lothair II; and Provence to a third son, Charles. The conditions of equilibrium were now profoundly modified, for the imperial power was still further reduced, and the Emperor was virtually only King of Italy, while Provence was the heritage of an epileptic child, and Lotharingia was too feeble to serve as an effective mediator between France and Germany.

The partition  
of Lothair's  
territories

Resolved to overthrow Charles the Bald and make himself master of his brother's kingdom, Lewis the German undertook first to win as his ally Lothair II, and afterward the Emperor, Lewis II; with the result that, although he suc-

## CHAP. III

A. D.  
800-888

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ceeded in making the Emperor his friend, he could not secure the alliance of Lothair II, who cast in his lot with Charles.

Failing to isolate Charles by his alliances, Lewis now entered into relations with the rebels of Aquitaine, who had never fully submitted to the King's supremacy, and with the feudal lords who were disloyal to him. Notwithstanding the energetic efforts of Charles to repress this disaffection, in July, 858, Count Eudes, representing the disaffected nobles, formally requested the intervention of Lewis the German to put an end to the alleged tyranny of Charles. The critical moment had arrived, and Lewis promptly invaded his brother's kingdom.

The rescue of  
France by the  
bishops

Hastening from the scene of his conflict with the Norman invaders, to meet the attack of Lewis, Charles found himself too feeble to resist him, and entered upon a course of negotiations. After sending five embassies to his brother, Charles discovered that the emissaries of Lewis were energetically sowing the seeds of disloyalty among his nobles; and, perceiving himself abandoned by great numbers, he retreated into Burgundy. Marching through the country without opposition, Lewis now dated royal documents from the palace of Attigny as King of France, and exercised all the rights of sovereignty.

It was at this moment that the power of the Church made itself felt in a remarkable manner. Lewis had boldly disregarded the treaty of confraternity, and was, in fact, performing an act of usurpation. In order to render his sovereignty legitimate, he now convoked the bishops for November 25, 858, at Reims, with the pretext of restoring the interests of the Church. Under the leadership of Hincmar, Archbishop of Reims, the French bishops met at Quierzy, and addressed a letter to Lewis, in which, with great skill, they explained their non-appearance before him, distinctly put in issue the question of his legitimate authority, and asserted that, for the eviction of a recognized and consecrated sovereign a general assembly of the bishops of the realm was neces-

sary. The document is an instructive commentary upon the power of the Church as a counterpoise to the lay nobles, who, at this critical moment, left the monarch helpless and alone. Informed by Hincmar of the rebuff administered to Lewis, Charles now rallied his forces and surprised his brother at the monastery of St. Quentin, whither he had retired to celebrate the festivities of Christmas. Lewis, without resistance, on January 15, 859, retreated over the Rhine, and Charles again took possession of his kingdom.

Having restored their sovereign to his throne, the bishops now sought to close the incident by consolidating peace. Representing a synod called at Metz, in May, Hincmar and a delegation of French bishops presented themselves before Lewis the German, at Worms, on June 4, 859, with the text of a treaty in their hands. Lewis received them kindly, saying that, if he had offended them in any respect, he wished to be pardoned; but he would make no agreement until he had consulted his own bishops. Regarding the diplomacy of Charles as likely to be less formidable than that of his representatives, Lewis besought a private interview, which occurred not far from Andernach, in July, 859.

The Peace of  
Coblenz

The meeting on a little island of the Rhine having been arranged, each of the two kings was accompanied by the same number of adherents to the opposite banks of the river. There, they left their escorts and proceeded by boat to the island, where they conducted their interview face to face and alone. Charles demanded that the nobles who had betrayed him should be abandoned to his will. This Lewis absolutely refused.

Ending without result, the conference was adjourned till the following October, when Lothair II was to be present. As Lothair was then absent in Italy, the meeting never occurred; but on June 1, 860, the three kings with their bishops and nobles assembled at Coblenz to establish peace. After five days of negotiation, a treaty was ratified in which Charles surrendered his claim to punish his rebels for their disloyalty, and the strange doctrine was thereby accepted that

## CHAP. III

A. D.  
800-888

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a king might foment rebellion in the domains of another and afterward protect the traitors from the wrath of their sovereign.

It appeared, without doubt, a diplomatic defeat for Charles, as well as for the principle of sovereignty; but, while yielding to Lewis in permitting the disloyal nobles to retain their estates inherited from their ancestors, or acquired otherwise than by the gift of Charles, he held to the right of withdrawing from them any benefits he might personally have conferred; thus applying a strong motive for repentance and future loyalty. On the other hand, Lewis the German derived no advantage from his acts of aggression and usurpation, while suffering not only a complete defeat of his purposes but a serious loss of prestige. The entire absence of the Emperor from participation in this settlement indicates how absolutely the imperial influence was now confined to Italy.

The diplo-  
macy of Lo-  
thair II

The threefold division of the empire of Lothair I—itsself only a fraction of that of Charles the Great—appeared to be fatal to its future unity; but Lothair II, who had inherited Lotharingia as his portion, perceived a ray of hope in the fact that neither of his brothers—Lewis II and Charles of Provence—possessed an heir. Two problems, therefore, presented themselves to him: (1) to conciliate the friendship of his brothers and of his uncles, Lewis the German and Charles the Bald, to the end that his own line might peacefully resume the succession; and (2) to secure the divorce of his queen, Teutberga, by whom he had no children, in order to legitimate his offspring by Waldrada, whom he wished to marry. The solution of these problems on the one hand, and the frustration of Lothair's plans on the other, now became the centre and substance of the Carlovingian diplomacy.

The first problem Lothair attempted to solve by a bargain with his brothers and a policy of neutrality toward his uncles. To his brother Charles, he ceded by treaty, in 858, two dioceses of his own territory, on condition that Provence should fall to himself in case his young brother had no natural heir.



To Lewis II, in like manner, in 859, he presented the bishops of Geneva, Lausanne, and Sion, in expectation of a like succession.

CHAP. III  
A. D.  
800-888

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Having thus bestowed upon his brothers portions of his inheritance in the hope of recovering them with usury, he held aloof from the conflict between Lewis the German and Charles the Bald, notwithstanding his previous alliance with the latter, and was thus prepared to assume the middle ground of mediator between them. Perceiving, however, that his value to both consisted in his rôle as peacemaker, and knowing that when peace was made his influence would be diminished, he endeavored to use them for his purpose in solving his second problem, the divorce, upon which all his hopes depended.

Accordingly, in order to secure a decision in his favor before the reconciliation of his uncles, Lothair had called a council at Aachen, in February, 860, a few months before the peace conference at Coblenz. With the hope of inducing his uncles to approve the decisions of the council, — which he expected in the existing circumstances to be favorable to the divorce, — he invited to be present bishops of all three kingdoms. The wily Hincmar, too astute to compromise the interests of his sovereign, Charles the Bald, whom he had already served so effectively, excused himself from participation; but two French prelates were present. Teutberga was found unworthy, but the designs of Lothair fell short of accomplishment by the fact that the council, while thus sustaining him in part, did not annul the marriage or authorize him to take another wife.

Whether or not this miscarriage of Lothair's plans is to be attributed to Hincmar's influence, it is certain that it was the policy of that sagacious prelate to defeat the intention of Lothair; for, while the King was striving by means of the divorce to secure the inheritance of his brothers for his own children, Hincmar was looking forward to the day when Charles the Bald would secure not only the imperial title, but the inheritance of all three of his nephews.

The policy of  
Hincmar



## CHAP. III

A. D.  
800-888

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Hincmar, therefore, in the autumn of 860, after the peace of Coblenz had been concluded, wrote a dissertation on the divorce of Lothair and Teutberga, in which he not only exposed the irregularities of the council of Aachen, but took the ground that a general council of the bishops of all the kingdoms was necessary both to determine the truth concerning the accusations brought against the Queen, and the right of Lothair II to marry in case she was found guilty.

The divorce thus ceased to be of merely personal or local interest, and became at once, in the light of the conflict which the discussion disclosed, a question of European importance. The act of Hincmar precipitated the issue, and was immediately productive of results. Lothair promptly turned for help to Lewis the German, with whom he made an alliance by a treaty in which he promised Lewis the expectation of Elsass. Teutberga having, in the meantime, taken refuge in France and appealed to the Pope, Lothair summoned a council of bishops of his own realm, whose decisions were virtually dictated by him, sent an embassy to Pope Nicholas I to defend his cause, and while awaiting the result married and crowned Waldrada.

The confer-  
ences of  
Savonnières

All relations having been broken off between Lothair II and Charles the Bald, Lewis the German became, in turn, the mediator. As King of Germany, the task had fallen to him of constituting the bulwark of Europe against the barbarians, who were now pressing westward over his frontiers, while he was at the same time reaping the harvest of his own disloyalty to his father in the revolts and avarice of his sons. Inclining, therefore, to peace, he invited Charles the Bald and Lothair II to meet him at Savonnières, near Toul. Charles responded to the summons, but Lothair, knowing that Charles would not deal with him directly, merely sent a representative. As the basis of discussion, Hincmar prepared a memorandum of ten articles in which were set forth the scandal of Lothair's conduct and the griefs of Charles, the most important indictment being that Lothair had dared to marry Waldrada.

The ten articles were sent to Lothair, who, in reply, while in fact continuing his course, evaded further controversy by stating that the subject had been referred to the Pope, whose decision he was awaiting. The pact of Coblenz was now renewed, but the cause of Lothair was virtually lost. In submitting his case to the papal tribunal he had wholly miscalculated the forces with which he had to deal.

The death of Charles of Provence on January 25, 863, revealed the emptiness of Lothair's diplomacy. He had, indeed, obtained from his brother Charles a transfer of his rights; but Lewis II had never confirmed this arrangement, and now came forward to claim his portion. The position of Lothair was not such that he could well deny the claims of the Emperor, for in the matter of the divorce the support of Lewis II was of great importance. Lothair had appealed to Rome, and it was at Rome that all their rivalries were now to be judged and regulated.

The triumph  
of Nicholas I

A council having been called by the Pope to meet at Metz, where delegations of bishops from Germany, France, and Provence were to join with those of Lotharingia in determining the question of divorce, Lothair bought up the papal legates, the foreign bishops were not summoned, Teutberga was condemned by Lothair's bishops, the divorce was sanctioned, and Lothair appeared to be triumphant. But Nicholas I, who had reserved the right to review the action of the council, unearthed the fraud, deposed the two papal legates, and took the decision into his own hands.

The discovery of his act of bribery and the punishment inflicted on the guilty legates suddenly rendered desperate the position of Lothair, for he had not only compromised himself irretrievably with the Pope, but his own bishops, fearing the papal anathema, no longer dared support his cause.

While Lewis the German and Charles the Bald were preparing to divide Lotharingia between them, Nicholas I, abandoning the idea of trying Lothair before a council at

## CHAP. III

A. D.  
800-888

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Rome, demanded and received his humble confession and promise of obedience. Asserting his authority over the entire situation, the Pope then sent his legate, Arsenus, Bishop of Orta, in April, 865, to visit the three monarchs, with instructions, first to restore Teutberga to her position as wife and queen, then to impress Lewis the German and Charles the Bald with the divine and hereditary right of Lothair II to his kingdom, and finally to enforce upon all these kings peace and concord. The mission of Arsenus was in every respect successful. The monarchs bowed submissively to the will of Nicholas, and the papal authority achieved a perfect triumph.

The partition  
of Mersen

The resolute action of Nicholas I seemed for a time to have settled definitively the controversies which had agitated the three kingdoms. Disappointed with the course of events, which had prevented the immediate partition of Lothair's kingdom, Charles the Bald temporarily dismissed from his service Hincmar, who had been virtually his prime minister and had inspired his defeated policy. Left to himself, Charles now pursued a course of conciliation, and even seemed disposed to aid Lothair to reopen his case at Rome. The death of Nicholas I, in November, 867, suddenly rendered this expedient more hopeful. Inspired with the belief that the new pontiff, Adrian II, a timorous and vacillating man, could be prevailed upon to reverse the decision of his energetic predecessor, Lothair put forth every effort to accomplish that result. Weary of a union which had become odious to her, Teutberga was easily induced to avow an incestuous relation with her brother. Adrian II, wishing to pursue a middle course, now removed the ban which Nicholas I had placed upon Waldrada, but was not at all disposed to authorize the divorce. Pressing his case at Rome with strenuous persistence, Lothair finally induced the Empress, Engelberga, to plead with the Holy Father for a reconsideration of the case. As a result, on July 1, 869, the Pope, after administering the sacrament to Lothair, declared his neutrality, the affair was to be referred once more to a

council, Lewis the German had relented, and Charles was, apparently, on the point of yielding, when, on August 8, an attack of fever at Piacenza ended forever the unhappy controversy by Lothair's sudden death.

Legally childless, the dead king's estates were now claimed by his uncles. The rights of his brother, the Emperor Lewis II, had no defence except the merely formal protection of an irresolute Pope; while in Lotharingia itself, two parties existed, one favorable to France, the other to Germany. After a menace of hostilities by the prompt invasion of Lotharingia, the task of partitioning the kingdom was referred to a mixed commission, composed of twelve French and twelve German members; but, as no agreement could be reached, it was decided that the matter be concluded by the two kings in person. On August 8, 870, therefore, on a promontory in the river Meuse, near Mersen, the two monarchs, each accompanied by four bishops, ten councillors, and thirty servants, met and divided between them the kingdom of Lothair.<sup>1</sup>

The report of the partition was received at Rome with a protest by Lewis II, whose hereditary claims had been ignored, and by Pope Adrian II, who perfunctorily sustained them. Their envoys, however, received no satisfaction. Lewis the German appears to have contented himself with sending to the Pope an oral explanation of his conduct, but its nature is unknown. In behalf of Charles the Bald, the crafty Hincmar, now restored to royal favor, prepared a reply in which he defended the occupation of Lotharingia as an expedient rendered necessary in the interests of peace, since the nobles of the country had declared against Lewis II. The right of the spiritual power to intervene was also questioned; since, it was alleged, the affair did not concern the Papacy. In order, however, to soften the nature of this reply, Ansegisus, the ambassador of Charles, carried costly

The imperial  
and papal  
protests

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<sup>1</sup> The text of the Partition of Mersen is found in Dumont, I, Part I, p. 16 *et seq.*



## CHAP. III

A. D.

800-888

presents to Adrian II, among them a superb altar cloth embroidered with gold, and two gold crowns set with precious stones.

A few months later, while Charles the Bald and Lewis the German were negotiating to secure the submission of their sons, who had openly rebelled and sought refuge with their uncles, the announcement was received that the Emperor Lewis II had been killed in Southern Italy. Instantly the negotiations ended by according complete pardon to the sons; for in a contest for the imperial succession the rivals could not be embarrassed by family quarrels. With a sudden exhibition of loyalty, young Charles the Fat went to secure the adhesion of as many nobles as possible for his father, Lewis the German, while Charles the Bald proceeded to Besançon, in order to be ready to march at once into Italy. The news proved to be false, but from this moment the energies of both monarchs were bent exclusively upon securing the imperial crown.

The schemes  
of the Empress  
Engelberga

The rival kings were soon to discover not only that the imperial succession was not open, but that the Empress, Engelberga, had plans of her own. Having no son to inherit the imperial crown, she hoped by dexterous bargaining to augment the Emperor's diminished power during his life and to dictate the eventual disposition of his heritage. With this end in view, she proposed to meet Lewis the German at Trent, and Charles the Bald at St. Maurice, hoping to obtain from each of them concessions of immediate importance in exchange for future benefits. According to the account of Hincmar, in her interview with Lewis the German, in the spring of 872, the Empress secretly obtained his consent to surrender to the Emperor his portion of the kingdom of Lothair II; but what advantages were promised in return is not reported. Disturbed by his apprehensions of her designs, Charles the Bald now declined to continue his journey to St. Maurice to meet the Empress, and in answer to a second invitation merely sent ambassadors.

The only appreciable effect of Engelberga's negotiations



was to confirm Charles the Bald in his caution and activity. On September 9, at an assembly of the bishops and counts, his suspicions led him to demand of his nobles a new oath to defend his kingdom "present and to come." This step was based on the assumption that Lewis the German had broken his alliance and entered upon secret and hostile engagements with the Empress. The whole attitude of Charles the Bald is henceforth that of preparation for an impending conflict.

CHAP. III

A. D.  
800-888

In his campaign for the imperial succession, it was not to the Emperor but to the Pope that Charles looked for support. He had long and systematically cultivated friends at Rome among the ecclesiastics and the Italian aristocracy. Pope Nicholas I had indicated his preference for Charles as an imperial candidate, and Adrian II had been fortified in this inclination by rich gifts and by the influence of Ansegisus, the ambassador of Charles, who prolonged his sojourn at Rome for the purpose of sealing the Pope's friendship. The result of these efforts was, that Adrian II wrote to Charles a private letter, in which he secretly pledged his word never freely to accept another than the King of France as emperor.<sup>1</sup>

The imperial  
succession

Thus assured by the solemn promise of the Pope, Charles the Bald had no need to negotiate with the Empress, whatever her terms might be. The only document which could be regarded as a constitution of the Empire affecting the imperial succession was the "Ordinatio" of 817, in which Lewis the Pious had provided that, in case the elder branch of his family should fail of a male heir, an emperor should be chosen among his sons by an "election" in which the "divine will" was to be expressed.<sup>2</sup>

The determination of the succession was thus practically referred to the Pope, who, by common consent, was regarded

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<sup>1</sup> For the letter of Adrian II promising the Empire to Charles the Bald, see Jaffé, *Regesta*, No. 2951 and No. 3039.

<sup>2</sup> A translation of the "Ordinatio of 817" is found in Henderson, *Select Documents*, pp. 201, 206.

## CHAP. III

A. D.  
800-888

---

as the proper medium for ascertaining what the divine will was. His part in the transaction was further confirmed by the reply which Lewis II had sent in 871 to a letter from the court of Constantinople in which the title of Emperor was denied him.<sup>1</sup> In this remarkable document, Lewis II declares that both the kingdom of the Franks and the imperial crown of the Romans were received by his ancestors from the "Mother of all the churches of God" through the laying on of hands and anointing by the Pope. The imperial succession is expressly referred to as "a divine operation through the papal consecration."

To this theory of the Empire the death of Adrian II, on December 14, 872, added the weight of a vigorous and resourceful personality in the new pope, John VIII, who was prepared to make the most of the papal prerogatives. When, therefore, Lewis II expired at Brescia on August 12, 875, John VIII, following out the long cherished intentions of the Holy See, secretly sent an embassy to Charles the Bald, inviting him to come to Rome and receive his coronation.

The fortuitous combination of circumstances which, in this particular case, practically placed the imperial crown in the hands of the Pope, was to give him thenceforth the exclusive bestowment of it, and to render him in appearance the source of the imperial honor. Since he possessed the power to confer, it was an easy inference that he also had the power to deny, and the right to withhold the crown was in due time asserted. Thus, although John VIII appears to have obtained the assent of the Roman nobles to his act,<sup>2</sup>

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<sup>1</sup> The authenticity of the letter of Lewis II to the Emperor Basil is generally accepted, and has been explicitly defended by Dümmler, *Geschichte des ostfränkischen Reiches*, Leipzig, 1887-1888, vol. II, p. 267, note 3, and by Böhmer-Mühlbacher, *Die Regesten des Kaiserreichs unter den Karolingern*, Innsbruck, 1889, No. 1213. It has, however, been called a fabrication by Kleinclausz, *L'Empire carolingien*, Paris, 1902, pp. 441-487. He believes it to have been composed about the middle of the year 879 by the librarian Anastasius.

<sup>2</sup> For the consultation of the "Senate" by John VIII, see Jaffé, *Regesta*, No. 3019; and for the reply, No. 3039.

the ancient rights of the Roman Senate fell into the background, and the conferring of the imperial crown became a "privilege" of the Apostolic See, which claimed the right to "elect" and "ordain" the emperor.

## CHAP. III

A. D.

800-888

Hastening over the St. Bernard pass, Charles the Bald met the papal embassy in the valley of Aosta, and prepared to accompany it to Rome. There, two factions had been formed, for the Empress had favored Lewis the German, and through her influence the Emperor had bequeathed his Italian estates to Lewis' son Carloman. Upon the German party, and particularly upon Lewis the German himself, the news of the papal decision fell like a thunderbolt. The German king felt that he had been deceived and cheated, for he had trusted to the power and influence of the Empress, and had never suspected the papal intentions. When, at last, the veil was suddenly lifted and the intrigues of Charles were revealed, Lewis the German was seized with anger as profound as his illusion had been complete. Abandoning all thought of diplomatic action, he appealed to force. By a double military movement, he now sought to arrest the progress of Charles toward Rome. In Italy, Charles the Fat was soon forced to retreat, and Carloman was frustrated by the proposal to refer the question of his rights to arbitration; but in France, Lewis the German spent Christmas day in the palace of Charles at Attigny, while Charles himself received from John VIII the imperial crown in St. Peter's Church at Rome; but not as his grandfather had received it from the hand of Leo III, seventy-five years before.

Coronation of  
Charles the  
Bald as Em-  
peror

The bitter struggle which followed is of little importance to the future of Europe, but the relative attitude of the Empire and the Papacy has a large significance. When Leo III bestowed the imperial crown upon Charles the Great, it was in recognition of his immense services to Christendom, which he had brought under the shadow of his sword, and his power to protect the Papacy, to which he had secured liberty in Italy; but when John VIII conferred imperial honors on Charles the Bald, it was the transfer of

CHAP. III  
A. D.  
800-888

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an empty title to a contestant for the crown who could not save the Roman territory from the Saracens, while his own palace in France was in the hands of his rival.

Lewis II, though in fact little more than an Italian king, had held the great dukes in abeyance, and had almost driven the invader from the land. His death revealed the weakness of the Empire and the vigor of the Papacy; for while Charles the Bald was contending with his brother for the possession of his own kingdom, John VIII, with an energy and ability which make him comparable to Gregory the Great, animated the Italian magnates and organized a navy for the defence of Italy. But with all his genius for war and diplomacy, the great pontiff could not stay the tide of anarchy which was now sweeping over Europe and bursting forth with new fury in Italy itself.

The struggle  
for the Rhine  
frontier

The death of Lewis the German, on August 28, 876, opened a new question, which was, at recurrent intervals, to disturb the peace of Europe for many centuries. Resolved to claim, as emperor and as heir of his nephew Lewis II, not only all of Italy, but also the right to Lotharingia, Charles the Bald, accompanied by the papal legates, advanced toward the Rhine, with the intention of seizing three strategic points, — Mainz, Worms, and Speyer, — thus making the Rhine the frontier of France. It was the first assertion of that doctrine of "natural limits" which has never ceased to influence the foreign policy of the French.

Lewis the Younger advanced to meet the invader, but proposed a pacific settlement of his uncle's claim. Determined to fix his frontier by conquest, Charles led his army by a long detour to Andernach, where he expected to surprise his nephew; but Lewis was secretly warned of his intention, and, on October 8, 876, inflicted upon the exhausted troops of Charles a terrible defeat.

Rendered ill by his inconsequent campaign, Charles the Bald never fully recovered from this fatal blow. Urged by the Pope to come to his help against the Saracens, he disclosed his weakness by purchasing peace from the Norman



invaders, for which he imposed upon his people a special tax, and by extensive concessions to his nobles, to whom he promised in the Capitulary of Quierzy of June 14, 877, that their benefices should be conditionally hereditary in their families.

CHAP. III

A. D.  
800-888

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Having thus bargained for his freedom to perform his duty as emperor, Charles crossed the Alps with the intention of undertaking the defence of Italy, but only to be confronted by his nephew, Carloman, who had appeared with a large army to vindicate his rights to his inheritance. Unable to withstand his opponent, the Emperor started to recross the Alps when he learned that his nobles, notwithstanding his generous concessions, were in open rebellion. Discontented with the despotic manners which Charles had assumed since his coronation as emperor, and with his neglect of the public needs of France terrorized by the Norman invaders, his people, not unjustly, regarded him as delinquent in abandoning his kingdom for the defence of Italy. The unhappy Emperor now felt with crushing force the vanity of his empty honors. Repudiated by a powerful party in Italy, unable to face the army of Carloman, disavowed in his own household even by his brother-in-law Boson and his son Louis, and coldly regarded even by his once devoted Hincmar, ill in body and distracted in mind, Charles sank on his journey beneath the weight of his misfortunes, and died on October 6, less than two years after his coronation. His son, Louis the Stammerer, who succeeded him as King of France, realizing the impossibility of ruling both France and Italy in that time of general turbulence, had the good sense to decline the pursuit of the imperial phantom, and to devote his energies to the defence of his kingdom from the Danes.

The disillusionment of Charles the Bald

It was in the midst of this great crisis of invasion that the final blight fell upon the Carolingian dynasty. Louis the Stammerer survived his father only two years, and his young sons soon followed him, leaving only his posthumous child, Charles the Simple. Carloman, dying in 880, had no de-

Charles the Fat becomes Emperor

## CHAP. III

A. D.  
800-888

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scendant, except his natural son Arnulf. Crowned Emperor at Rome, on February 12, 881, Charles the Fat finally claimed possession of all the kingdoms. Reuniting in his person all the dominions of Charles the Great, Christendom looked to him for a champion, and the Empire for a defender; but, though earnestly besought to drive the Saracens out of Italy and the Danes out of Germany and France, Charles preferred to purchase the withdrawal of the Vikings by payments of silver. Finding invasion a profitable industry, they repeated their incursions, until the Emperor offered to establish the Danish chief Godfred in a duchy at the mouths of the Rhine. Having thus obtained a foothold, the insolent vassal soon demanded the possession of Bonn and Coblenz, because his duchy had no vineyards; and other Danes harried France to the gates of Paris, which escaped destruction only by the valor of Count Eudes. Charles the Fat finally attempted to raise an army, but abandoned his campaign, resumed his futile negotiations, offered new bribes to the Danes, and permitted them to ravage Burgundy.

This last transaction exhausted the patience of the Empire. Arnulf, the illegitimate nephew of Charles the Fat, placing himself at the head of a revolt, in 887, threatened to march to Frankfort and depose his unwieldy uncle. Unable to rally an army for his defence, the ponderous Charles yielded his crown to Arnulf, demanding only a modest retreat in Suabia in which to pass the remainder of his days; and a few months later, on January 13, 888, the unhappy monarch ended his unprofitable life.

The general  
dissolution

By the abdication of Charles the Fat the unity of the Carolingian Empire was once more lost, this time never to be restored. The entire period between 888 and 919 was marked by strife, division, and unfruitfulness. Arnulf assumed the kingship of Germany, and the dukes and counts of that kingdom, recognizing his vigor and ability, rallied about him; but in other parts of the Empire ambitious nobles stepped forward to claim authority and repel his imperial pretensions. Eudes, Count of Paris, who had saved that city

from the Danes, though he possessed no hereditary claim, was crowned King of France; Berengar, Duke of Friuli, was made King of Italy; Rudolf, a local count, became King of Upper Burgundy; while the kingdom of Arles, or Lower Burgundy, fell to Lewis, son of Duke Boso, who had married the only daughter of the Emperor Lewis II. Thus, the Carolingian Empire fell into five fragments, never again to be united.

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## CHAP. III

A. D.

800-888

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Lapôte, *L'Europe et le S. Siège à l'époque Carolingienne*, Paris, 1895, contains a defence of the motives and ideals of John VIII in choosing Charles the Bald as Emperor.

CHAP. III

A. D.

800-888

## CHAPTER IV

### THE HOLY ROMAN EMPIRE OF THE GERMAN NATION

The transfer  
of the Empire  
to the Germans

THE collapse of the Empire as an effective form of government under the Carolingians was produced by those national rivalries which had already pronounced the doom of universal dominion. The struggle between two opposing ideas—that of a universal monarchy inherited from the Romans, and that of local rule derived from the instincts and usages of the Germans, accentuated by the personal ambitions of the national princes—had now become the predominating movement in the political development of Europe. By a new combination of circumstances the imperial office had been transferred to a German king in the person of Charles the Fat. The Empire had thereby become the appanage of the German kingdom,—a realm entirely outside the limits of the old Roman world. It was a transfer fraught with incalculable consequences, for it placed the conduct of the Empire in the hands of the nation of Europe the least Roman of all the European peoples. The change marks the beginning of a new era and of a new order of ideas, in which the most antagonistic elements were to be brought into the most intimate relations. The efforts to reconcile their contradictions, destined to a failure not less tragic than the disruption of the Empire of Charles the Great, constitute the principal interest of the period which now lies before us.

#### I. THE STATE OF ITALY BEFORE THE TRANSFER

The antago-  
nism between  
Rome and the  
Empire

In every age it has been the unhappy lot of Rome to be made a martyr to her own greatness. Never wholly unmindful of her ancient liberties and grandeur, the Eternal

City has always been doomed to sacrifice her present welfare to the memory of her splendid past. In giving herself to the headship of the world she surrendered her civic rights to the exigencies of a world-monarchy. As the cradle of republicanism in Western Europe she has demanded the rights of self-government, but as the capital of the Caesars she has been compelled to submit to the dictation of the stranger. As an apostolic community she has claimed the primitive right of choosing her own bishops, but as the seat of the Papacy she has been forced to accept the heads of the Church Universal imposed upon her by a foreign will. Nowhere else has the conciliation of the opposing principles of universal rule and local government proved so difficult to accomplish or filled the theatre of its struggles with such tragic episodes.

When the Papacy, subordinated by the Byzantine emperors, sought to gain the spiritual freedom which was deemed necessary for the unrestrained exercise of its authority over the faith of Christendom, it endeavored to establish a territorial basis for that freedom by rendering Rome independent of the Empire, and by ridding itself of the Lombard monarchy in Italy. For this purpose it put forth the claim to be a sacred republic, unfettered by the restraint and contradiction of external authority, exercising within its own borders both civil and spiritual powers in a purely theocratic sense. Encroached upon and intimidated by the Lombard kings, it appealed to the Franks for protection. In a desperate emergency, when Leo III was unable to provide otherwise for his personal safety in his "Holy Republic," in order to secure the protection of the imperial authority, he restored the Empire in the person of Charles the Great. For a time, a satisfactory solution of the problem seemed to have been found, but with the new claims of the Emperor in Italy, after the accession of Lothair I, the conflict between the local pretensions of Rome and the imperial authority was renewed.

Lothair I, having been crowned co-emperor by Pope Paschal I, at Rome, on Easter Sunday, 823, was sent to Rome in 824 by his father, Lewis the Pious, to negotiate with the

## CHAP. IV

A. D.  
888-1002

new Pope, Eugenius II, and the Roman people, concerning the imperial jurisdiction over the city. Action had been rendered necessary by the disregard at Rome of the regulations introduced by Charles the Great after his coronation. At that time the entire administration of the city had been recast, with a view to render impossible such acts of violence as Leo III had received. A resident *missus*, or legate, of the Emperor had been installed in a palace near St. Peter's Church, whose duty it was to administer the criminal justice of the city and to guard and represent the imperial authority. The government in other particulars was left in the hands of the papal officers, composed of three classes: the officials of the papal court, modelled after that of Byzantium; the *duces*, or *tribuni*, who commanded the militia; and the *judices de clero*, or ecclesiastical magistrates.

The mission of Lothair resulted in the adoption of the Constitution of 824, accepted and signed by Eugenius II, with a provision that it was to be solemnly sworn to by his successors in the presence of the imperial *missi* sent to judge of the legality of their election before their ordination to the papal office.<sup>1</sup>

This Constitution of 824 was, therefore, one of the most important documents of the Carlovingian era, for it was a serious attempt to fix forever the reciprocal rights and duties of the Emperor, the Pope, and the citizens of Rome. It provided that the papal magistrates should exercise jurisdiction as they had under Charles the Great, and they were, upon occasion, if required, to appear before the representatives of the Emperor. To oversee these magistrates, *missi*, appointed by the Emperor and the Pope, were to constitute a mixed directory and court of appeal. If they failed to agree, the dispute was to be referred to the Emperor, who was to send special legates to determine the question. A permanent *missus*, residing at Rome, represented the imperial supervision.

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<sup>1</sup> The text of the "Constitution of 824" is found in Migne, XCVII, p. 459 *et seq.*; and in *Mon. Germ. Hist.*, Leges, IV, p. 545.



In addition to these arrangements for the administration of justice, each inhabitant of Rome was required to choose the code — Roman, Frankish, or Lombard — by which he wished to live, and was then judged according to the law selected.

CHAP. IV

A. D.  
888–1002

Dividing his time between Rome and Aachen, Lothair I, as emperor, caused little anxiety to the Papacy, to which he was devoted; but when, in 844, he assigned the royalty in Italy to Lewis II, who in 855 became Emperor, the popes were confronted with the old problem of maintaining their freedom in the presence of a monarch whose only realm was Italy. Exclusively Italian, patriotic, and a brave warrior, Lewis II nearly succeeded in accomplishing the difficult task of Italian unity. The right of the Emperor to require subscription to the Constitution of 824 was construed by him as a right to influence the papal elections also, of which there were six during his reign. He could not without great inconvenience permit his supremacy to be menaced by the election of a hostile or intriguing pontiff, and his interest was, therefore, indisputable as well as undisguised; but the Romans resented their obligation to await the presence of the imperial *missi* before proceeding with their election.

The conflict  
of the Em-  
peror and the  
Romans

The commencement of his reign in Italy brought Lewis into conflict with both Pope and people. Gregory IV having died in 844, two candidates for the Papacy appeared. One, who assumed the title of Pope Sergius II, claiming the election, was promptly consecrated without awaiting the *missi* of Lothair I, and his rival was cast into prison. Upon learning of this irregularity, the Emperor despatched Lewis to Rome with an army and an imposing retinue of clergy. Having arrived at Rome, where preparations had been made to receive him in state upon the steps of St. Peter's, Lewis ascended to the platform where the Pope was waiting to greet him. Interpreting some casual circumstance as an indication that he had come to chastise them for their action, at the moment of the papal salutation the Romans precipitated a conflict with the Franks. In the confusion the Pope

CHAP. IV  
A. D.  
888-1002

hastily ordered the doors to be closed, and said to the prince that, if he had come "with a pure heart and with right intentions," the doors would be opened for him by his order; if not, they would remain closed. The prince having reassured the Pope, the doors were opened.

On the following Sunday, Lewis was crowned King of Italy and anointed by the Pope; but Drogo, Archbishop of Metz, who had been sent with Lewis by the Emperor, called a synod by which the contested election was reviewed. The decision proved favorable to Sergius, who was then confirmed in his office.

But the existence of two powers in Rome was not to be obscured by the coronation of the prince and the vindication of the pontiff. A new order was issued forbidding the future consecration of a pope without the presence of the imperial *missi*; but, on the other hand, when the nobles in the retinue of Lewis asked the Pope to take an oath of allegiance to the new king, Sergius refused, on the ground that Rome was a fief of the Emperor, but not of the King. When Lewis withdrew from Rome, the Romans are said to have uttered cries of joy, so deeply did they resent his interference with their affairs; but, some years later, when the Roman territory was overrun and devastated by the Saracens, the Romans implored of the Emperor the protection of Lewis, who, as they believed, had intentionally left them to defend themselves.

The obstinacy  
of the Romans

The imperial prohibition concerning the papal elections was again violated in 847; when, upon the death of Sergius II, Leo IV was chosen and consecrated in great haste, in open disregard of the Constitution of 824. But the Romans were not always wrong in their resistance to the imperial authority.

Upon the death of Leo IV, Benedict III was duly elected by the independent party at Rome, and his credentials, signed by all the proper officers, were sent to Lothair by two messengers, — a priest and a soldier, — who, in the course of their journey, suffered themselves to be corrupted by Bishop Arsenius in the interest of his relative, Anas-

tasius, a devoted imperialist. In collusion with Lewis II, the messengers returned to Rome to announce that the imperial envoys would soon arrive there and review the election. Support was then given to a conspiracy for introducing Anastasius into the Lateran palace and stripping Benedict of his pontifical vestments; but the enraged populace would not endure these indignities to their chosen bishop, and the unanimity of the resistance was so complete that the imperial authorities were obliged to abandon the cause of their *protégé* and to acknowledge the legitimacy of Benedict III, who was then solemnly consecrated. The memory of such a thrilling victory of the popular will long inspired the Romans with a sense of their rights in the selection of the successors of St. Peter.

CHAP. IV

A. D.

888-1002

But the Emperor was not without his triumphs also, in the matter of the papal elections. In 858, Lewis II, at that time clothed with full imperial authority, was successful in imposing upon the Romans a papal candidate of his own choice. Having decided to force upon them the election of a prelate who would be subservient to his will, he hastened to Rome, pressed forward his candidate, and proceeded to have the election conducted in his presence. Elated with his success, he heaped upon the new Pope, Nicholas I, every mark of affection and esteem; and it seemed for a moment as if the Empire and the Papacy were thenceforth to move forward in perfect unison. But the illusion was of short duration; for Nicholas I had hardly assumed the papal dignity, when, like so many others who had preceded him, he proved to be the perfect embodiment of the traditional papal policy, whose vast impersonal conceptions found in him one of their most astute and commanding representatives. Thus, the Emperor not only failed to control the Pope, whom he had appointed, but it was the Pope, and his successors, Adrian II and John VIII, who, as we have seen, — contrary to the wishes and plans of the Emperor, and especially of the Empress Engelberga, — disposed of the Empire.

The triumph  
and deception  
of Lewis II

## CHAP. IV

A. D.  
888-1002The discord-  
ant elements  
in Italy

The city of Rome rarely ceased to be the field of strife between three parties, whose activities were inspired by three different ideals. Of these, one stood for the civil independence of Rome, another for the supremacy of imperial authority, and a third for the complete domination of the Pope. The struggles and intrigues of these three parties — themselves often subdivided into hostile factions attached to the interest of different social classes, aspirants to the imperial honor, and rival seekers or claimants of the papal office — fill nearly every subsequent period of history with clamor and contention.

The turbulent life of Italy was still further embroiled by the presence of other elements of confusion. The local magnates, such as the dukes of Spoleto, Benevento, Friuli, and Tuscany, each with an ambition or a system of his own, and often aspiring to dominate the entire peninsula, kept the country in a state of almost constant commotion; while the aristocracy of Rome, aiming to grasp both the civil and the spiritual power, frequently imposed a local despotism that cruelly oppressed the city and thwarted the will of both popes and emperors. Added to all these complications were the relations of the Greek cities of Southern Italy to the Eastern Empire, the invasions and settlement of the Saracens, and later the incursions and final occupation by the Normans. Beyond any other country of Europe, Italy thus became the theatre of strife and discord.

The advan-  
tage possessed  
by the Papacy

By virtue of his spiritual authority, which extended throughout Europe, supplemented by an incessant distribution of favors and the constant formation of political combinations, the Pope was, on the whole, the predominating power in the midst of this conflict of aims and interests. When forced to an extremity, there always remained for him the expedient of invoking the aid of the foreigner, whose terrors he employed to reaffirm his own authority — when, indeed, they did not completely override it. But, though often compelled to endure a temporary humiliation, the permanent residence of the popes at Rome gave them an



advantage over the foreign princes who came to seek honors at their hands; for, when necessity had called the newly crowned emperors away, an adroit use of the authority they had exercised often re-established the papal supremacy.

CHAP. IV

A. D.  
888-1002

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We have seen with what skill Pope John VIII, by his selection of Charles the Bald as emperor, not only defeated the wishes of Lewis II, the Empress Engelberga, and the entire German party at Rome, but how he so construed his office in determining the "divine will" in the "election" as to make it appear thenceforth that the imperial crown was the gift of the Roman Pontiff. As if with the purpose of fixing that prerogative in the traditions of the Empire, John VIII had taken every precaution to give it prominence in the records of the time. In a discourse before a synod held at Rome in May, 877, he said: "A divine inspiration has revealed to our blessed predecessor, Nicholas I, the secret intentions of God regarding this prince, and this is why we have chosen Charles, with the concurrence and vote of all our brothers the bishops, the other servants of the Holy Roman Church, the elders and all the people, and, following the ancient custom, have solemnly raised him to the Roman Empire." Before the council of Ponthion, in the presence of the prelates and nobles, was read without protest this report of the election: "On the death of Lewis, who exercised the rights of the Roman Empire, the blessed Pope John, by the intermediary of the venerable bishops, invited the lord Charles, then King, to proceed to the Holy See; he has elected him defender and guardian of the Church; he has crowned him with the imperial diadem, and has chosen him, alone, among all, to receive the sceptre of the Empire." In the presence of an accomplished fact, it was difficult to raise effective objection; and thus, the mere will of the Pontiff created the tradition not only of the Church but of the Empire.<sup>1</sup>

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<sup>1</sup> The subject is fully treated by Gasquet, *L'empire byzantin et la monarchie franque*, who cites the authorities in detail.

## CHAP. IV

A. D.  
888-1002

The donation  
of Charles  
the Bald

But Pope John VIII was not content with securing the disposal of the imperial crown; he induced the successful candidate to present a thank offering for the empty honor he had obtained. Not only were important territorial accessions ceded to the Papacy by Charles the Bald, but he bestowed on the Holy See his regalian rights over Rome, and renounced the provision of the Constitution of 824, by which the papal elections were required to be conducted in the presence of the imperial representatives. The permanent legate of the Emperor at Rome was now withdrawn, although *missi* were sent to administer imperial justice in cases requiring their presence, and thus the Pope was left in practical possession of unrestrained authority.

But, while John VIII was thus permitted by the concessions made to the Papacy to exercise many imperial prerogatives, he was not successful in his endeavors to increase the papal power and security by his sovereignty over additional territory. On the contrary, he thereby aroused the enmity of the dukes of Spoleto and Benevento, the chief victims of his diplomacy, who not only retained possession of their lands, which neither the donor nor the recipient was able to wrest from them, but visited upon Rome itself depredations which the Pope was unable either to prevent or punish. In addition to incurring this dangerous hostility, by his attempt to form a league against the dukes who refused to recognize his suzerainty over the lands bestowed upon him by Charles, John VIII forced his enemies into an alliance with the Greeks and the Saracens, thus greatly augmenting the anarchy which desolated Italy and defied the power of the helpless Emperor.

Efforts of  
John VIII  
to choose an  
emperor

Notwithstanding the perilous position in which his bold policy had placed him, John VIII was determined to maintain at any cost the ascendancy he had taken such risks to establish. When, in 877, Charles the Bald died, John VIII resolved to dispose of the Empire in the interest of the Papacy, and with this intention he prolonged for three years

and a half the imperial vacancy, in order to carry on his negotiations and secure the highest bidder.

Among the possible candidates were the three sons of Lewis the German, — Carloman, Charles the Fat, and Lewis the Younger; the son of the dead emperor, Louis the Stammerer; Duke Boso of Arles, who had married the only daughter of Lewis II; and Lambert of Spoleto.

Carloman, regarding himself as the legitimate heir of the Emperor Lewis II, who had bequeathed to him his Italian dominion, hastened to render himself master of Lombardy, whose crown he received at Pavia. Believing that he was now certain of the imperial honor, Carloman immediately addressed John VIII with reference to his coronation; but the Pope promptly informed him that several preliminaries were necessary. His first duty was to have an understanding with his brothers. After that, the Pope would send an embassy to him, which would inform him what concessions he must make in perpetuity to the See of St. Peter. When a formal "charter methodically arranged in chapters" had been duly signed, the Pope would again send legates to conduct the King in a suitable manner to Rome, where they would together agree as to the things necessary to be done for "the strengthening of the Republic and the safety of the people."

It was the first time that the Holy See had ever spoken in such a tone. The independence of the "Republic," the right of the Pope to withhold the imperial crown, the necessity of purchasing it by "concessions," — all these were innovations in the attitude of the Papacy. Carloman appears to have acquiesced in the recognition of the papal claims, for we read in a letter of John VIII, addressed to him: "We have expected you every day, with so much the more eagerness, because you have promised, as the price of the increase of your dignity, to raise us and our Church, tried by the assaults of so many adversaries, higher than have any of the emperors and kings, your predecessors."

But, upon reflection, Carloman had changed his mind. The terms of the Pope seemed to him too exacting, and since

## CHAP. IV

A. D.  
888-1002

he was already in possession of Northern Italy, it appeared to him quite possible to force the Holy See to make easier conditions. To this end, he put himself in relation with the enemies of John VIII, particularly Bishop Formosus, a friend of the German party and afterward Pope; Lambert, Duke of Spoleto; and Adalbert, Marquis of Tuscany. Sorely pressed by these opponents, who took possession of Rome and subjected the city to their power, John VIII was obliged to escape to Genoa, whence he went by ship to France, in order to seek support from Louis the Stammerer.

There, "by the authority of the Holy Spirit," he offered to the King the imperial crown, but under conditions which Louis would not accept. After his failure to negotiate with Louis, he returned to Italy, accompanied by Duke Boso, whom he would gladly have crowned emperor, but for the obstacles thrown in his way by the Germans.

The double  
policy of  
John VIII

The reluctance of John VIII to confer the imperial crown upon Carloman, which was now weakened by the failure of his attempt to bestow that honor upon the King of France, had arisen from the perception that the recognition of the German prince, — by far the strongest of the Carolingians then living, — might impair the prestige of the Papacy and subject it to the will of a master. This risk the Pope was not disposed to incur, and was determined to avoid it by previous assurances and concessions. What he especially desired was, to take the initiative in the selection of an emperor, and in such a manner as to impress Christendom with the idea that the Empire was the gift of the Papacy. In this sense, he wrote to Anspert, Archbishop of Milan, after the death of Charles the Bald: "It is absolutely necessary that . . . you receive no king without our consent, for the prince whom we destine for the Empire ought to be, first and above all, called and chosen by us."

It was for this reason that he had made his journey into France, in the hope of securing the acceptance of Louis the Stammerer, whom the Holy Spirit had designated to the Pope as the most fitting recipient of the imperial crown.



The refusal of the young King of France was for John VIII a cruel experience. The political wisdom of the French court, to which Charles the Bald had not listened, had utterly frustrated the designs of the Pope and left him overwhelmed with disappointment and embarrassment.

Practically confined to a choice between the sons of Lewis the German, John VIII now resolved to take a desperate chance. In the illusory hope of conciliating the East and effecting a final reunification of Christendom under the guidance of the Papacy, he pursued a dilatory policy in the West, while opening secret negotiations with the Emperor Basil at Byzantium.

Re-established in Rome by the protection of Duke Boso, whom he adopted as a "glorious son" and used as a foil to stimulate the ambition of Carloman and Charles the Fat, John VIII now adopted the policy of creating a rivalry between the two brothers. His preference was undoubtedly for Charles, whose torpid nature rendered him the more likely to be subservient, but whose ambition needed to be quickened by such means as the Pope adopted.

In the execution of his plans, John VIII sent Wilbod, Bishop of Parma, on the secret mission of discreetly sounding the two brothers, with the purpose of ascertaining who would make the larger concessions to the Papacy. Before this result was accomplished, Carloman died; and the problem then remained, how to secure from his brother the highest possible price for the crown. Charles the Fat now claimed and received at Pavia the crown of Lombardy; but the demands and restrictions of the Pope were so exacting that he held aloof, and the negotiations, zealously renewed by John VIII, dragged on without result through the year 880. Finally, the reserve of Charles was suddenly broken and he announced his intention of coming immediately to Rome, to receive the imperial crown. The Pope promptly warned him in vigorous language not to come until the preliminaries which he had before imposed were duly observed and the concessions formally made. But this time Charles

CHAP. IV

A. D.

888-1002

Negotiations  
with Charles  
the Fat

CHAP. IV  
A. D.  
888-1002

---

did not hesitate. Through the secret confidences of a friend, a new light had suddenly dawned upon the hitherto unsuspecting king. Made aware of the Pope's secret negotiations with Byzantium, and of their failure, Charles saw that John VIII was in reality helpless; marched directly to Rome with his army, against the Pope's angry prohibition and protest; and, apparently without signing any conditions, — although oral assurances were probably given, — received the imperial crown from John VIII, in February, 881. The Pope, whose diplomacy had completely miscarried, had found neither a vassal nor a protector.

Relations  
of John  
VIII with  
Byzantium

The revelation which had emboldened Charles the Fat to go to Rome and demand the crown, explains the calm serenity of the Pope in continuing the vacancy in the Empire, and in making his own terms in the midst of such weakness and peril. The Greek Emperor Basil I, aiming to re-establish the unity of the old Empire in the spirit of Justinian, had resolved to avail himself of the anarchy of Italy, and to recognize the spiritual supremacy of the Pope in exchange for his influence. The fleet of Byzantium had invested the coast towns of Italy, and, by judicious alliances with the Italian princes, Basil was on the point of carrying his scheme into effect, when the tide of affairs had suddenly changed and the great combination which had been formed had fallen to the ground. Even before the death of Charles the Bald, John VIII had been in secret communication with the East. When he beheld the chaos and impotence into which the Carolingian dynasty had fallen, the danger in which the Papacy was placed, and the inconstancy and incapacity of the aspirants to the imperial dignity in the West, it was but natural that he should turn with pleasure to the hope of restoring the unity of Christendom under the more vigorous *régime* of the Eastern Empire, then reviving its ancient glory in the hands of a great statesman like Basil. The letters of John VIII bring to light the secret understanding which had been formed with the East, the large expectations entertained by the Pope, and the reasons

for postponing the investiture of an emperor at Rome, whose accession would instantly dissolve this dream of greatness.

CHAP. IV

A. D.

888-1002

But the restoration to favor of Photius, Patriarch of Constantinople, whose craft and skill were superior even to those of John VIII, after a profession of friendship almost melodramatic in its effusiveness, had caused the re-affirmation of the Patriarch's primacy in Christendom; John had found himself discredited; and, in 880, the papal legates had brought back to Rome the story of the machinations and perfidy with which the Pope had been duped.

As John VIII was awakening from his bright dream of glory, Charles the Fat entered Rome with his army. The tempest of the Pope's wrath had already broken upon him in the letter of warning which he had received; but, perceiving that he had nothing to fear, he did not hesitate. In the Pope's eyes, his entrance into the sacred city was an act of violence as well as a step of presumption; but the humiliation was borne, and the imperial crown was conferred — for the first time — upon a disobedient son of the Church. Thus began the German occupation of the Empire, and with it a new chapter in the history of the Papacy.

## II. THE BUILDING OF THE GERMAN NATION

The transfer of the imperial office from the French to the German branch of the Carlovingian family imposed upon the King of Germany a task for which he was not prepared. We have already noticed the enforced abdication of Charles the Fat and the substitution of Arnulf in his place; but the failure of the Empire was not the result of the personal deficiencies of the Emperor alone, it was a consequence of the feudal anarchy of the time and the absence of a sufficiently vigorous national spirit to give strength to a central government. The Germans had not yet developed that consciousness of nationality which was necessary to their leadership in reconstructing the Empire. The first task before the German kings was the consolidation of their kingdom, which at

The state of  
Germany  
in 888

## CHAP. IV

A. D.  
888-1002

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that time tended to break up into independent parts. Resistance to common enemies under the guidance of heroic defenders of their country was soon to inspire that sense of unity which gave them the first place in Europe and opened visions of a German dominion of the world; but even the powerful personality of Arnulf was not sufficient to restore the Empire of the Romans.

The phantom  
popes and  
emperors

The impotence of the Empire in this transitional period was only surpassed by the weakness of the Papacy. In the midst of his broken fortunes, John VIII had fallen by the hand of an assassin in 882, and in the following thirty years fifteen feeble and evanescent figures moved across the scene, to and from the Chair of St. Peter, sometimes as many as three in a single year, all at the mercy of the temporary despots who supported or bullied them at their will. Italy, given over to anarchy and desolated by invasion, was filled with the strife of contestants for the imperial crown. Berengar of Friuli, Guido of Spoleto, his son Lambert, Lewis of Provence, and Rudolf of Burgundy all put forth pretensions, and most of them were crowned by popes whom they either placed in the Chair of St. Peter or overawed with intimidation. That Arnulf was crowned emperor, in 896, by Pope Formosus, — the old conspirator of the German party, — and imposed his will upon Rome for a few weeks, is of little consequence to the history of Europe; for, broken in health by his Italian campaign, after heroic battles in the North, he died in 899, without having established his authority as emperor, leaving as King of Germany his six-year-old son, Lewis the Child.

The task of  
Conrad I

The civil wars which followed and the invasions of the Magyars, who penetrated to the very heart of Germany, imposed upon Conrad I, Duke of Franconia, who in 911 was chosen King of Germany, a task far too difficult for his abilities. Refusing to accord to a monarch without hereditary claims the deference they had shown to the descendants of Charles the Great, — Franks, Saxons, Suabians, and Bavarians alike all ignored the central authority, and attempted to



increase their own importance by taking the power into their own hands.

When, at length, Conrad lay upon his death-bed, in 918, weary of rebellion and worn out in battling with the Magyars, he declared that, if Germany was to be saved, the nobles must offer the crown to a stronger man than he. By his own advice, his most powerful and persistent opponent, Henry the Saxon, was elected to pursue his task. Not only in Germany and Italy, but in France also, the forces of dissolution were at work. The supreme question everywhere had become, not how to secure the coherence of the Empire, but to preserve the existence of the kingdoms into which it had been divided.

When Henry, Duke of the Saxons, known as Henry the Fowler, was elected King, in April, 919, by the Saxon and Franconian nobles, the condition of Germany was one of almost hopeless anarchy and confusion. The only general authorities within the realm were the heads of the four great duchies, — Saxony, Franconia, Suabia, and Bavaria, — and these were exposed to the disintegrating influence of feudal rivalries. The royal power was practically extinct, and the only bonds of union amidst the wide diversity of local laws, usages, and interests, — everywhere guarded with a tribal jealousy, — were the memories of the Empire, and the common adhesion to the Church. Even community of language was wanting, for the dialects of the Saxon and the Suabian were widely different. The time seemed ripe for the disruption of Germany into four little kingdoms, the easy prey to the Magyar and the Dane. It was a happy decision, therefore, on the part of the Franconian magnates to unite their fortunes with those of the Saxons, who were the most vigorous and energetic representatives of the old German stock. But the Suabians and the Bavarians held aloof, while the Duchy of Lotharingia had cast in its lot with the West Franks, as a part of the kingdom of Charles the Simple.

With keen insight into the situation which confronted him, Henry resolved to abandon the pursuit of imperial illu-

CHAP. IV

A. D.

888-1002

Election of  
Henry IThe policy  
of Henry I

CHAP. IV  
A. D.  
888-1002

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sions and turn his attention to the defence and unification of Germany. He promptly proceeded to impose his royal authority upon the other duchies; but, perceiving the futility of asserting all the pretensions of the past, he wisely accepted the autonomy of the dukes, on condition that his kingship was recognized; and then proved his utility to the German nation by organizing its defence. To this end he turned his energies against the barbarian invaders, freeing Saxony from the incursions of the Magyars, first by a nine years' truce, then by the construction of walled towns as places of refuge and sources of supplies, afterward making aggressive campaigns against the Danes and the Slavs, and finally establishing and colonizing strongly fortified marches on the eastern frontiers of his realm, destined to become important bases of action in the future expansion of Germany. Penetrating into Bohemia, he forced its duke to pay tribute and become his vassal. Before the close of his reign he had beaten back the tide of the barbarian incursions, rendered his confederation of duchies the foundation of a great and powerful state, and opened the path of German conquest toward the East.

The accession  
of Otto I

When Henry the Saxon died in 936, it was his second son, Otto, now known to us as Otto the Great, who was designated to succeed him. The eldest son, passed over as illegitimate, and the third, Henry, the first born after his father became king and on that account claiming the succession, uniting with the great dukes, who perceived in Otto a sovereign indisposed to play the modest rôle of his father, celebrated the accession of the new king by organizing a formidable civil war. Otto came to the throne with a deep sense of his divine mission combined with a lofty conception of the royal prerogatives, and put down his enemies with a sturdy hand. The keynote of his reign is found in the splendid pomp of his coronation in the basilica of Charles the Great, at Aachen, and the royal banquet at which he was personally served by the chief nobles; incidents which reveal the tendency of his mind, deeply impressed by the

career and ideals of the great emperor, from whom he drew the inspiration of his own ambitious projects. With a clear conviction of the impossibility of uniting the German kingdom without the support of the great dukes, he gradually either displaced them by substituting for them members of his own family and trusted vassals, or acquired their friendship by judicious marriages. Upon his rebellious brother, Henry, finally rendered obedient to his will, he bestowed the Duchy of Bavaria; the administration of Franconia was intrusted to his son-in-law, Conrad, who had married his daughter Ida; by marriage with the only daughter of Duke Hermann, his son Ludolf came into possession of Suabia; Lotharinga, which had returned to the German connection after the death of Charles the Simple, was ruled by another son-in-law, Conrad the Red; while Saxony was intrusted to his faithful liegemen, Count Hermann Billung and Count Gero. With all these changes, many of the old ducal prerogatives were transferred to the King; but to insure the conformity of the administration to the royal will, counts palatine were appointed in the duchies, to observe and protect the royal interests. These served, in part, the purpose of the *missi* of Charles the Great, with the added advantage of continuous residence.

The civil strife accompanying the accession of Otto had invited new inroads by the Magyars and Slavs, who imagined the kingdom without defence; but Otto, with a wisdom and vigor equal to those of his father, organized new expeditions against the invaders and increased the number and efficiency of the marches, so that before the close of his reign an unbroken line of fortified frontiers extended from the Baltic to the Adriatic. But the erection of mere physical barriers against the barbarians appeared to Otto, as it had to Charles the Great, an inadequate defence. He perceived that the really effective subjection of the spirit of plunder and devastation must come from within, and that the best protection of Christendom lay in the extension of its borders. He, therefore, resumed the policy which had been inaugurated

Otto's policy  
of expansion

CHAP. IV  
A. D.  
888-1002

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by Pippin the Younger, and which had so effectively confirmed the conquests of Charles the Great, sending missionaries among the Slavs and the Danes as Charles had sent them among the Saxons, and creating among them bishoprics to watch over their converts and keep them in the ways of peace. Thus the sees of Aarhaus, Ripen, and Schleswig were established in the Danish march as bases for the missionary invasion of the East under the Archbishop of Hamburg; while Magdeburg ultimately became the metropolitan centre of similar bishoprics at Brandenburg and Havelberg in the Wendish march. As Charles Martel had sustained the work of Boniface in Germany by the might of the sword, so Otto now supported the work of the missionaries and bishops with the power of his margraves. Scandinavians, Wends, Poles, Bohemians, and Hungarians were gradually brought within the borders of Christendom, and Europe was thus rescued from these later barbarians who were, in turn, to become its defenders. Wherever the missionary penetrated and the bishop planted the standard of the cross, there went the potent influence of Rome and the traditions of her imperial rule. The successes of Otto in pushing his borders eastward could not fail to remind him of the earlier time when the vanguards of his great prototype had prepared the path of empire.

Otto's utilization of the Church

The power of the Church, which Otto was able to use so effectively in the extension of his realm, appeared to him to furnish that bond of unity so deplorably needed within its borders. He clearly perceived that extended dominion, to which he began to aspire, must be based upon some universal influence, and that no influence is more general than that of religion. The youngest brother of Otto, Bruno, a scholar and a statesman as well as an ecclesiastic, presided over his chancellery, and under his direction both ecclesiastical and governmental reforms were undertaken. Otto became the friend and protector of the clergy against the rapacity of the lay nobles, who too often robbed them; and in the same manner as he had possessed himself of the great duchies by means of



his family and friends, he gathered into his hand the great offices of the Church in Germany. Bruno was made Archbishop of Köln; Otto's illegitimate son William succeeded the hostile and faithless Frederick as Archbishop of Mainz; while his uncle Robert became Archbishop of Trier. The great monasteries also were drawn into his power, his daughter Matilda becoming Abbess of Quedlinburg, and his niece, Gerberge, of Gandersheim; while, by grants of land and other favors, the high clergy were won for the throne, which used their influence against the pretensions of the secular nobles. Thus Otto built the unity of the state upon the unity of the Church, which he made the chief agency in the reorganization of his kingdom.

CHAP. IV

A. D.

888-1002

But the astute monarch soon perceived that there was in the Church a power far superior to his own, which could cause his humiliation and defeat, even within the limits of his own dominions. He had seen that his new territorial acquisitions in the East were the physical basis of his monarchy; for here were his powerful margraves, loyally attached to his person, completely devoted to the kingdom which they had extended, and able to serve in an emergency to counterbalance, and even, if necessary, to destroy the refractory dukes of the older portions of the realm. Otto, in order to impart more unity and force to his great marches, wished to withdraw from the Archbishopric of Mainz a portion of its authority, and to transfer it to a new primate, to be installed at Magdeburg. In this his own son William, Archbishop of Mainz, opposed him; and so great was the influence of the son with the Pope that he was able for a time to obstruct his father's plans. Otto saw that it was not enough to be king in Germany, since he could not thus command his own household. In order to be master at home, he must be able to control the Pope. Gradually the idea dawned upon his mind that there was no sure path to empire which did not include the road to Rome.

Otto's discovery of his limitations

Since the coronation of Charles the Bald, Italy had been the scene of disorder and anarchy. The protection of the

CHAP. IV  
A. D.  
888-1002

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The state of  
Italy under  
the phantom  
emperors

peninsula from the ravages of the Saracens and the Hungarians had led to the development of feudalism, with its accompaniments of brute force and petty local despotism. Nowhere else was the conflict of authority so intense as in Italy ; for, in addition to the great diversity of elements and interests in the peninsula, the Italian habitually sought to escape submission to one authority by appealing to its rival. Liutprand, Bishop of Cremona, has furnished a valuable key to Italian politics in his observation : "The Italians always wish to have two masters, in order to hold each of them in check by fear of the other." The Papacy, whose interest lay in permitting no other central authority than its own to become strong in Italy, well understood the art of employing this principle in the conservation of its power. Always besought for the influence it possessed, it frequently made most progress through the strife of a number of contestants. Its chief danger was the presence of a single authority greater than its own.

But the period from 881 to 962 bore no lasting fruits in Italy either for the Empire or the Papacy. The feeble princes who during those years wore, in succession, the imperial crown without exercising any general authority were hardly worthy of the title of emperor, but they were strong enough to impose their will upon the weak ecclesiastics whom they suffered to occupy the Holy See.

Far from deriving any profit from the feebleness of the nominal rulers of Italy, the Papacy itself fell a victim to the general anarchy. Rome became the arena where contending factions struggled for supremacy and sought support for their ambitious schemes through possession of the papal throne. A rude, ignorant, and superstitious populace readily became the instrument of the aristocratic classes in accomplishing their designs, and the Roman nobility was divided into rival cliques whose intrigues were as constant as they were unscrupulous. The city was perpetually rent by these factions, which are in great measure responsible for the odium which a prejudiced criticism has so often attached to the Papacy as

an institution. After the departure of Arnulf, the anti-German party disinterred the remains of Pope Formosus, who had excited its hostility by crowning him emperor, subjected the body to a mock trial, and secured his condemnation by his successor, Stephen VI. The corpse was then insulted, mutilated, and cast into the Tiber.

In the eight years from 896 to 904, eight popes succeeded one another. Two Roman women of unsavory character, Theodora and her daughter Marozia, became the centres of intrigue and domination, and popes were made and unmade at their bidding. One of the sons of Marozia became pope in 931, under the name of John XI. The next year another of her sons, Alberic, who assumed authority over Rome with the title of "Prince and Senator of all the Romans," having taken sole possession of the civil power, proceeded with great vigor to establish public order in Rome, while confining the Pope to the exercise of purely spiritual functions. At his death, in 954, his son Octavian succeeded him as ruler of Rome; but, having decided to combine the civil and spiritual powers in his own person, he ascended the papal throne the following year as John XII.

CHAP. IV

A. D.

888-1002

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### III. THE RESTORATION OF THE EMPIRE BY THE GERMANS

A singular errand first called Otto I into Italy. In 951, Adelaide, the beautiful widow of Lothair of Burgundy, — who had been dethroned as King of Italy and put to death by Berengar of Ivrea, — having been commanded to marry Berengar's son Adalbert, escaped from captivity and made an appeal to the German king. Otto gallantly hastened over the Alps, rescued the young queen, and married her. He would gladly have pressed on to Rome at once, to seek the imperial dignity; but Alberic, to whom he sent an embassy, refused to receive him. Regarding the time as unfavorable for a march to Rome, he recrossed the Alps and carried his bride to Germany.

Otto's first  
expedition  
to Italy

## CHAP. IV

A. D.  
888-1002

---

Conrad of Lotharingia, who had been left in Italy to pursue and punish Berengar, conceived the idea of treating with him, and shortly appeared with the Italian king at Otto's court in Saxony; where, at Magdeburg, he was kept three days waiting before Otto would receive him. Without divining the ambition of the German king to make himself master of Italy and restore the Empire in his own person, Conrad had promised Berengar that he should be confirmed in the kingdom of Italy, if he would surrender and make peace.

Deeply offended by Conrad's unauthorized transaction, Otto was thrown into great embarrassment; for he did not wish to restore Berengar in Italy, yet found himself committed by the promise of Conrad. A compromise was finally made which was satisfactory to no one. At a general assembly of the realm held at Augsburg, in August, 952, Berengar was restored to his kingdom, which was diminished, however, by several provinces assigned to Henry, Duke of Bavaria. The condition of this restoration was, that Berengar acknowledge himself the vassal of Otto and take an oath of allegiance to him. This humiliation had to be endured, but was bitterly resented; while Otto, whose intentions had for the time been thwarted, was as little pleased as the humbled King of Italy.

Otto's second  
expedition  
to Italy

But an easy issue from this diplomatic *impasse* was soon afforded by the open revolt of Berengar and the urgent appeal of the Pope, requesting Otto to come to his rescue. Alberic having died, his son, John XII, who had united in his own person the civil and spiritual powers of Rome, found himself unable to resist the aggressions of Berengar, and was pleading for foreign intervention. Following the importunities of the Pope, came a pressing message from the Italian bishops, urging an expedition to Italy to relieve the unhappy condition of the Church. It was Otto's long desired opportunity to realize his cherished ambition. Seldom did a call of religious duty so plainly justify the punishment of a rebellious vassal, and Otto now felt that he could go to Rome with the full support of the German nation. Having celebrated



Christmas at Regensburg, surrounded by a brilliant gathering of nobles and ecclesiastics, after an extended journey through his kingdom, and assured of the general approbation, he appointed a *Reichstag* for May, 961, at which his son, Otto II, was chosen king, and preparations were made for an expedition to Italy.

CHAP. IV

A. D.

888-1002

The great work of uniting the German nation had been, to a large degree, accomplished. Otto's substitution of the ecclesiastical for the temporal magnates, his heroic defence of the land, and his victories over the Slavs and Magyars, his policy of eastward expansion, and the erection of Christianized vassal states upon the frontiers, all combined to render him master of his realm. The German people, inspired by a new sense of national greatness, and looking forward to extended dominion, were ready to follow their great leader in his quest of empire. It was Rome which was now to represent the struggle for local rights and liberties, and Germany which was to reach out its arms for world dominion.<sup>1</sup>

In the autumn of 962, accompanied by a large army and a great retinue of German nobles and bishops, Otto crossed the Alps by the same route he had taken ten years before, and with great pomp and ceremony entered Pavia, where he celebrated Christmas day in the palace of the old Lombard kings. Unopposed by Berengar, who retreated to his strongholds, Otto proceeded to Rome, before whose walls he was received with manifestations of joy by Pope John XII.

Entering into the city on January 31, 962, under a solemn engagement with the Pope to respect his person and his rights, Otto, not without distrust of the Italians, whose per-

Otto's compact with  
John XII

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<sup>1</sup> The imperialist policy of the Ottos has given rise to an interesting discussion in Germany regarding its effect upon the German nation. Heinrich von Sybel, *Die deutsche Nation und das Kaiserreich*, Düsseldorf, 1862, has subjected the imperialist policy to a severe criticism as a vain aspiration after world dominion to the neglect of the German national interests; while Julius Ficker, in his *Deutsches Königtum und Kaisertum*, Innsbruck, 1862, and in other writings, has defended the wisdom of that policy.

## CHAP. IV

A. D.  
888-1002

---

fidly he feared, was crowned and consecrated emperor in St. Peter's Church, by John XII, on February 2. "While I am praying at the grave of St. Peter to-day," he said to a young officer that morning, "hold your drawn sword near my head. I know my predecessors have often feared the tricks of the Romans, and a wise man avoids mischief in due time. *You can pray at Monte Mario when we return!*"

As events soon proved, the suspicion of the German king was not without foundation; for, although he had been invited by John XII, and also by the Romans, to come to Rome, his presence there had excited an undercurrent of apprehension in striking contrast with the joy with which he had been at first received. He had entered the city under solemn bonds to exalt the Roman Church and its pontiff to the extent of his ability.<sup>1</sup> This obligation included the promise to exercise no authority at Rome without the advice of the Holy Father, especially in what related to the rights of the Pope and of the Romans. It was soon discovered, however, that, in seeking a protector, Rome had found a master. The revelation at once gave to the situation a threatening aspect.

Soon after the coronation, on February 13, 962, a document whose authenticity has been long disputed, but is now well established, fixed in authoritative form the relations between the Papacy and the Empire. This document, known as the "Privilegium of Otto I," is composed of two portions.<sup>2</sup> The

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<sup>1</sup> The promise of Otto I reads: "*Tibi d. Iohanni papae ego rex Otto promittere et iurare facio: — ut, si — Romam venero, s. romanam ecclesiam et te, rectorem ipsius, exaltabo secundum meum posse. Et nunquam vitam aut membra neque ipsum honorem, quem nunc habes et per me habiturus eris, mea voluntate, perdes. Et in Roma nullum placitum neque ordinationem faciam de omnibus, quae ad te vel ad tuos Romanos pertinent, sine tuo consilio,*" etc. — Jaffé, *Regesta*, II, 588.

<sup>2</sup> The "Privilegium of Otto I" was first printed by Baronius in 1588 from an original MS. written in gold letters on purple vellum found in the archives of St. Angelo, now in the Vatican Archives, Codex Vaticanus 1984, 3833. Muratori, and Goldast, *Constitutiones*

first is a confirmation of the gifts and concessions of the Carolingian emperors to the Papacy, with generous additions. The second provides for the imperial supervision of the papal elections and the papal administration. Having secured to the Papacy its temporal possessions, the document proceeds to define the Pope's vassalage to the Emperor, — or more precisely to Otto and his son, who are expressly named, and their successors, — to whom is conceded the right to oversee the papal elections, imperial approval being necessary to the act of consecration.

CHAP. IV  
A. D.  
888–1002

Thus was founded the “Holy Roman Empire of the German Nation,” although this name was not employed until a later time. It was, in fact, little more than a revival of two ancient documents, — the Privilege of 817 granted by Lewis the Pious, which served as the basis for the first part; and the Constitution of 824, which suggested the second; — but, in effect, it was a complete subordination of the Papacy to the imperial control. The opportunity had been presented to make the Pope the representative of Christendom, rather than the creature of the Roman aristocracy. However religious his motives may have been, — and his conduct has been defended on the ground of religious duty, — Otto preferred to make the Papacy the appanage of his own royal house. The Pope, as well as the Roman clergy and nobility, was required to take an oath of fidelity to Otto and his son, with a promise to observe the regulations of the “Privilegium” and not to aid the Emperor's enemies.

The significance of this compact

The first fruit of Otto's triumph was the Pope's consent to establish the long desired archbishopric at Magdeburg. Thus, at last, the German king was able to accomplish his wishes in his own kingdom by the victory won at Rome.

The compact was, in reality, an enforced personal bargain between a bishop of Rome and a German king; but it had

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*Imperiales*, II, p. 44, reject its authenticity; but Th. Sickel, *Das Privilegium Ottos I*, vindicates the document, and his conclusion is generally accepted. The text is found also in *Mon. Germ. Hist.*, Leges, II, p. 29.

## CHAP. IV

A. D.  
888-1002

---

created an institution whose pretensions and conflicts were to be the centre of human interest for centuries to come. Regarded in the light of its immediate results, the compact was illusory from every point of view. It was almost immediately violated by both parties and gave rise to a struggle which imposed upon Rome a German supremacy. Thenceforth, the kings of Germany claimed the exclusive right to the imperial crown, and soon it became the custom for the "King of the Romans" to be elected by the German nobles. The Papacy, with its prerogative of conferring the crown of the world, had become a vassal of the German kingdom; but Germany had bartered away its unity as a nation in pursuit of a phantom beyond the Alps.

Otto's confiscation of the Papacy

When Otto left Rome in triumph, he felt that he had not only received the greatest of earthly dignities, but that in his control of the Pope he had placed his hand upon a power that would vastly strengthen his mastery of Germany. He had hardly turned his face northward to chase Berengar from his strongholds among the Alps, when John XII, repenting of his bargain, opened negotiations to transfer the power to Adalbert and to induce the Hungarians to invade Germany. Otto hastened back to Rome, called a synod which tried and deposed John, who had fled to the mountains, and set up a new pope, Leo VIII, in his place. To secure his control of the Papacy, Otto now forced the Romans to swear that they would in the future never elect or consecrate a pope without the consent and choice of himself and his son. But as soon as he resumed his campaign against Berengar, John returned to Rome from his hiding-place, created a revolt, and expelled the new pope, Leo. John having soon afterward died, the Romans broke their vow and elected Benedict V.

Determined to triumph, Otto again returned to Rome, restored Leo, and bore off the humbled Berengar and the penitent Benedict as prisoners to Germany. Once more he returned to quell a last revolt, which followed upon the death of Leo, in 965. This time, he made the Romans feel his power, decapitating or blinding the leaders, and subject-



ing to the deepest humiliation the faithless prefect of the city. The new pope, John XIII, humbly followed in the train of the Emperor's triumphal marches in Italy, and on Christmas day, 967, crowned his son Otto emperor. Thus, the founder of the Holy Roman Empire of the German Nation at one stroke finally subjected the Papacy to the imperial power, and confirmed the succession of his own house.

While the accession of Otto I to the imperial throne invested his great personality with a new importance, his empire was, in fact, German rather than Roman. Bitterly hated at Rome, where his cruelties were not soon forgotten, his power in Italy rested entirely upon his force of arms, and his last years were spent in efforts to reduce the peninsula to subjection. Having mastered the North of Italy, he succeeded in imposing a nominal vassalage upon the dukes of Capua, and Benevento in the South; but his ambition coveted the possession of the Greek cities also, and for this purpose he resorted to an experiment in diplomacy which gives a special interest to his reign.

Otto had already begun a campaign against the Greek cities by a short siege of Bari, when, upon the advice of Liutprand, Bishop of Cremona,—who had once been sent in the interest of Berengar on a mission to Byzantium, where he had been well received,—it was determined to abandon for the present the use of force, and to propose a marriage between the young Emperor Otto and Theophano, daughter of the Byzantine Emperor, Romanus II. On account of his skill in the Greek language, his knowledge of the Eastern court, and his ability as a diplomatist, Liutprand was chosen as ambassador of Otto I; and, starting upon his journey in April, 968, reached Constantinople in the following June.

The report which the Bishop of Cremona afterward made of his mission is, perhaps, the most entertaining document which has come down to us from the Middle Ages.<sup>1</sup> The

CHAP. IV  
A. D.  
888-1002

The Empire  
of Otto the  
Great

Liutprand's  
mission to  
Byzantium

Liutprand's  
report of his  
mission

<sup>1</sup> An account of Liutprand's mission to Byzantium is given by Schlumberger, *Un empereur byzantin*, pp. 592, 633. See also on the "Antapodosis" and "Legatio" of Liutprand, Pertz in prefaces to the

CHAP. IV  
A. D.  
888-1002

---

failure of his negotiations is ingeniously covered by a description of the Eastern capital and its sovereign, with a narration of his experiences so graphic and so charged with satire that we must rejoice in the luckless result of a mission which has given us so lively a piece of literature.

Shut up in a large but uncovered palace,<sup>1</sup> the ambassador was practically kept a prisoner from his arrival early in June till his departure in November, often, he assures us, without even water. Otto the Great was denied the title of "*Basileus*" and always referred to as "*Rex*"; not permitted to ride, Liutprand had to walk to the palace; the Germans were constantly referred to as barbarians; while at table he was placed below the Bulgarian envoy,—a man "shorn in Hungarian fashion, girt with a brazen chain, and, as it seemed, a catechumen,"—being fed with "fat goat, stuffed with garlic, onions, and leeks, and steeped in fish sauce."

After waiting seven days, he was led before Nicephorus II, the Emperor,—“a monstrosity of a man, a pygmy, fat-headed and like a mole as to the smallness of his eyes; disgusting with his short, broad, thick, and half hoary beard; disgraced by a neck an inch long; very bristly through the

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text in vol. V of *Mon. Germ. Hist.* An English translation of Liutprand's report of his mission is found in Henderson, *Select Documents*, Appendix.

<sup>1</sup> This was, no doubt, the *Xenodochium Romanorum*, constructed at Constantinople in imitation of the "*Greco-stasis*" at Rome, as a habitation for foreign envoys,—an institution afterward imitated by the Ottoman Turks in their "*Eldsci-Khan*." The tradition that foreign envoys were to be thus separately housed was probably derived from the custom at Rome. It is still the usage at Constantinople for the foreign embassies and legations to have their residence at Pera; not merely, as might be imagined, for sanitary reasons, but from the immemorial custom of assigning to them a distinct and separate quarter. The isolation which, with the Romans, was originally the result of mere hospitality in providing a building for the use of envoys, came at last to be associated with the idea of precaution against communication with the people. Thus the Venetians prohibited by law all conversation with the diplomatic representatives of foreign governments.

length and thickness of his hair; in color an Ethiopian; one whom it would not be pleasant to meet in the middle of the night!"

CHAP. IV

A. D.

888-1002

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If the conversations, which Liutprand professes to report with exactness, really took place in the words reported, it is not astonishing that the ambassador not only failed in his mission but was treated with indignity. At the first interview the Emperor declares: "Otto I has taken away from Berengar and Adalbert their kingdom contrary to law and right, has slain some of the Romans by the sword, others by hanging, depriving some of their eyes, sending some into exile, and has tried to subject to himself by slaughter or by flame cities of my empire." Liutprand replies: "My master did not by force or tyrannically invade the city of Rome; but he freed it from a tyrant. . . . Thy power, I fancy, or that of thy predecessors, who in name only are emperors of the Romans and are not in reality, was sleeping at that time. . . . What one of you emperors, led by zeal for God, took care to avenge the plundering of the churches of the most holy apostles and to bring back the Holy Church to its proper condition? You neglected it; my master did not neglect it." In the second conversation, the Emperor, twitting the ambassador of Otto's withdrawal from the siege of Bari, says: "The soldiers of thy master do not know how to ride, nor do they know how to fight on foot; . . . their gluttony also impedes them, for their God is their belly, their courage but wind, their bravery drunkenness; . . . you are not Romans, but Lombards." Liutprand replies: "Romulus, born in adultery, made an asylum for himself in which he received insolvent debtors, fugitive slaves, homicides, and those who were worthy of death for their deeds. . . . From such nobility those are descended whom you call world-rulers, that is, emperors; whom we, namely the Lombards, Saxons, Franks, Lotharingians, Bavarians, Suabians, Burgundians, so despise that, when angry, we can call our enemies nothing more scornful than 'Roman' — comprehending in this one word, that is, the name of the

CHAP. IV  
A. D.  
888-1002

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Romans, whatever there is of contemptibility, of timidity, of avarice, of luxury, of lying, in a word, of viciousness. But, because thou dost maintain that we are unwarlike and ignorant of horsemanship, if the sins of the Christians shall merit that thou shalt remain in this hard-heartedness, the next battle will show what you are, and how warlike we!"

Having inaugurated his mission with such amenities as these, followed by a constant exhibition of malice and impertinence, it is not surprising that the testy bishop returned to his imperial masters to console them for the fruitlessness of his negotiations by the wit and eloquence with which he had upheld their cause. The result of his efforts with Nicephorus was the derisive declaration that the proper prelude to his proposals was the surrender of Rome, Ravenna, and the rest of Italy to their ancient sovereign; that the idea of a marriage between the son of a German king and the daughter of a Roman emperor was preposterous; and that a friendly understanding could never be hoped for without the restoration of the Byzantine provinces.

The marriage  
of Otto II and  
Theophano

Although the diplomacy of Liutprand had ended in dismal failure, the plans of Otto I for the peaceable accession of the Byzantine cities in Italy and a family alliance with the Eastern Empire were not destined to entire defeat. Nicephorus II was soon afterward assassinated, and a new emperor, John Zimisces, fearing the vigor of Otto's warlike temper, and wishing to form an alliance with him, offered the hand of Theophano to Otto II, and the marriage was celebrated with brilliant festivities at Rome, on April 14, 972.<sup>1</sup> If, as regarded from Byzantium, it was a strange spectacle to witness the proud daughter of an Eastern emperor wedded to the son of a "barbarian king," and receiving from the hands of the Pope in St. Peter's Church at Rome a royal coronation; to the German nobility who flocked over the

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<sup>1</sup> The successful negotiation of the marriage by Pandulph in 970 is described by Schlumberger, *L'épopée byzantine*, pp. 188, 203. The marriage act is said to be still preserved in the archives of Wolfenbüttel.



Alps to assist in the festivities, the scene was one of intoxicating joy. Costly gifts were bestowed upon the Eastern princess and Byzantium was made to feel that the recognition, tardy but spectacular, was deserved. Once more it seemed as if the ends of the earth were to be united, that the old dream of universal dominion was not vain, and that the progeny of a German Caesar might some day sit upon the throne of a world empire. Rome, dazzled by the power and splendor of the new dynasty, for a moment forgot her lost liberties — liberties of which she had proved herself so unworthy — in the presence of her new Augustus. The old passion for pomp and power flamed up once more under the kindling glance of a new Caesar, but only to fade into darkness when the marriage fêtes were over and the imperial train disappeared on its northward march to Germany.

CHAP. IV

A. D.

888-1002

Although Otto I, who had hoped to win back France as a part of his empire by his intervention in behalf of his brother-in-law, Louis IV, had failed of his purpose, the influence of the Emperor was still respected there. His attempt to secure an *entente* with the Arabs had met with a disdainful repulse, and his ambassadors, after waiting three years for an audience with the Caliph of Cordova, were roundly lectured by him on the subject of incivility.

The last days  
of Otto the  
Great

But, notwithstanding his experience of rebuffs and indignities, Otto I had raised the Holy Roman Empire of the German Nation to a height of power which recalled the heroic age of the first Frankish emperor. The noted scholars of his day were accorded a generous reception at his court, and he strove with a strong hand to promote purity and devotion in the Church. He had carried the frontiers of Christendom farther toward the East than they had ever been set before, the dukes of Bohemia and Poland did homage to him as their lord, and embassies from Bulgaria, Hungary, Russia, and Denmark were sent to pay him respect and seek his favor. His last days were full of honors and triumphs; and when, after his return from his long absence in Italy, he died, on May 7, 973, at Memleben, the event was

CHAP. IV  
A. D.  
888-1002

Condition of  
the Empire at  
the death of  
Otto I

comparable in political importance to the death of the great Charles.

The fictitious strength of the empire which Otto the Great had created became evident, however, when he was succeeded by his eighteen-year-old son, Otto II. The two elements of the power exercised by Otto I were his military force and the use he made of the Church. The union of Germany and Italy had immensely enlarged the tasks of government by dividing the imperial attention between two distant and turbulent kingdoms, without adding any compensating increase of either military or moral strength. The transfer of authority in the German duchies to the ecclesiastical vassals of the Emperor had vastly augmented the wealth, prestige, and power of the bishops and abbots, who were now disposed to use their influence much as the secular magnates had done, and soon had to be treated as necessary allies, rather than commanded as obedient subjects. The advantage which Otto the Great had at first derived from the unity and central authority of the Church, therefore, in the end, proved delusive; for the revolutions in the Papacy, brought about by the conflicts of imperial rule and the refractory princes of Italy, and especially the aristocracy of Rome, deprived the papal control of its earlier supremacy and rendered its support comparatively valueless. With feudality dissolving the coherence of the Empire from within, both north and south of the Alps, the newly Christianized Slavic populations tending to form independent kingdoms, and the power of the Papacy weakened by the intrigues and insurrections of the unruly Romans, the successors of Otto the Great had no means of sustaining their imperial dignity except their personal prowess.

The efforts  
of Otto II

Otto II, during the ten years of his reign, battled bravely against these conditions, in the vain conviction that he could bind together the two parts of his empire and make his rule a reality. He subdued Henry the Quarrelsome and broke up his Bavarian duchy; punished Lothair of France for his

attempt to win Lotharingia from the Empire;<sup>1</sup> struck down Crescentius, Duke of the Romans, who had usurped authority at Rome by the massacre of Benedict VI and the creation of a rival pope; then, having secured tranquillity in the city under Benedict VII, whom he placed on the papal throne, he waged a vigorous war against the Saracens, and endeavored to secure possession of the Greek cities of Southern Italy, which he considered as the heritage of his Byzantine wife. Before he had accomplished this purpose, however, he died at Rome, on December 7, 983, at a time when the Slavs, perceiving the defenceless condition of Eastern Germany in his absence, had begun to burn and pillage the bishoprics of Havelberg and Brandenburg.

CHAP. IV

A. D.

888-1002

To meet this crisis, was left as his successor a child of three years, Otto III, under the tutelage of his mother, the Greek Theophano, and the German ecclesiastics. By the energy of Willigis, Archbishop of Mainz, a revolt of Henry the Quarrelsome, who now claimed the regency, was suppressed, in spite of his alliance with Lothair of France and many of the bishops, and he was finally appeased by the restoration of his duchy of Bavaria. The rise of Hugh Capet in France and a quarrel provoked by Eckhard of Meissen between the Bohemians and the Poles on the eastern frontier saved the Empire, for a time, from foreign foes. Young Otto, half Greek and half German, after the death of his mother, in 991, was wholly in the hands of the ecclesiastics. Of keen intelligence and warm susceptibilities, he became devoutly religious; but his native enthusiasm and visionary temperament led him into excesses of imagination which destroyed the utility of his plans. Before his fancy floated the vision of a kingdom of God on earth, ruled by the harmonious counsels of the Emperor and the Pope, in which

The ideals  
of Otto III

<sup>1</sup> The army of Otto II sang its songs of victory on the heights of Montmartre at Paris, but France was not subdued by the Empire. On the retreat, Lothair won a battle from Otto II, and in 980 peace was concluded by the restitution of Lotharingia to Germany. See Matthæi, *Die Hündel Ottos II.*

## CHAP. IV

A. D.  
888-1002

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wars and conflicts should end in universal peace and happiness. Crossing the Alps to be crowned as emperor at Rome, he was met by a deputation of Romans, informing him that the Papacy was vacant, and requesting him to nominate a pope. His cousin, Bruno, whom he designated, under the name of Gregory V, crowned him Emperor on May 21, 996, and it appeared as if the approaching millennium of the Christian era was to witness the culmination of the Holy Roman Empire in the plenitude of the Emperor's lofty theory. Germany was, for a time, pleased with the prospect; the French bishops, previously rent with dissensions, submissively accepted the papal decrees; reforms were instituted everywhere, and it seemed to be the beginning of a new age of peace and prosperity for both the Empire and the Church, when the Crescentius of that day suddenly raised an insurrection at Rome, deposed and expelled Gregory, and set up as pope a Greek bishop, John Philagathos, under the name of John XVI. In February, 998, Otto descended upon Rome; John XVI, captured in his hasty flight across the country, was blinded and mutilated; Crescentius, who had fortified himself in the tomb of Adrian, was taken and decapitated; and Rome was once more beaten into submission by the imperial soldiers.

The partnership of Otto III and Sylvester II

Gregory V having died, Otto raised to the papal throne Gerbert of Aurillac, under the name of Sylvester II. A prodigy of learning, according to the opinion of his time, the new pope was, perhaps, the most remarkable man of his generation. He was to be to the new Constantine what the first Sylvester had been to his prototype, and together they were to reconstruct the world; but it was the Pope, and not the Emperor, who proved to be the predominating influence in this partnership.

Becoming more and more visionary as his power seemed more secure, Otto was filled with a deep sense of his high mission. Descended from emperors of the East as well as of the West, and imbued with the religious teaching of his ecclesiastical guardians, he combined in his mystical concep-



tions a profound reverence for the sacred character of the imperial office and a zealous devotion to the Church. In order to prepare himself for the great work he had undertaken, he made pilgrimages to many holy places; and, in the year 1000, paid a visit to Aachen, for the purpose of drawing inspiration from the glorious memories of Charles the Great. To deepen his impressions, he caused the great stone in the floor of the cathedral to be lifted, and there — so runs the story — he discovered the form of the dead monarch, clad in his imperial robes, and sitting erect upon his throne, with his crown upon his head and his sceptre in his hand, as if he were still ruling the world.

Filled with faith and enthusiasm, Otto determined that the imperial residence should henceforth be at Rome, whose glorious past he was about to resuscitate. There, upon the Aventine, he built his palace, filling his court with gorgeously decorated officers bearing Greek and Latin titles. All the splendors of ancient Byzantium were assembled about his person. Of his numerous imperial crowns, that of iron recalled the military glory of the Caesars, while that of gold and gems bore the proud inscription: "*Roma caput mundi regit frena rotundi.*" The ascent of the Emperor to the capitol was celebrated with great ceremony, begun in garments of pure white, and ended in the midst of solemn music in vestments of glittering gold; his arrival being acclaimed in Hebrew, Greek, and Latin, while those present prostrated themselves upon the earth in silent prayer for the master of the world.

While Otto III was indulging in these vagaries, Pope Sylvester, mature in years and earnest in spirit, was studiously building up the interests of the Church. New missionary efforts in the East had extended Christianity in Poland and Hungary, whose chiefs were founding new kingdoms and seeking to establish their independence of Germany by vassalage to the Papacy. When, later, Duke Stephen was recognized by Sylvester as hereditary King of Hungary, and Boleslav as King of Poland, with the assent of Otto,

CHAP. IV

A. D.

888-1002

The collapse  
of Otto's  
power

CHAP. IV  
A. D.  
888-1002

---

Germany protested against the cosmopolitan policy of the young emperor, by which the work of Otto the Great was sacrificed, and independent rival states were allowed to grow up on that eastern frontier which had been esteemed the legitimate field of German expansion. While Otto was vainly engaged in calming the disturbance in Germany, Italy fell away from his authority; and when he returned to Rome, in 1001, it was to find himself in the midst of open rebellion. The unreality of his beautiful dream suddenly burst upon his mind; and, broken in spirit, at the age of only twenty-two, on January 23, 1002, after wandering about Italy in despair of his cause, he died at Paterno, not far from Rome. In the next year Sylvester II also passed away. The iridescent bubble of the compact between the Empire and the Papacy was dissolved into thin air. All that really remained of the Empire was the German kingship, now left vacant by the fact that Otto had no son; while the Papacy, deprived of its German support, fell into the greedy hands of the Roman aristocracy, to be fought for, sold, and subjected to new humiliations.

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CHAP. IV

A. D.

888-1002

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## CHAPTER V

### THE CONFLICT OF THE EMPIRE AND THE PAPACY

Abasement  
of the Em-  
pire and the  
Papacy

THE period which immediately followed the awakening from the dreams of Otto III and the death of Sylvester II was one of extreme abasement both for the Empire and the Papacy. It appeared for a time as if all practical power was to be thenceforth in the hands of the feudal magnates. Castles multiplied, violence increased, and the bishops and abbots who had been raised to power by the policy of Otto I had become as grasping and refractory as the temporal princes. Marriage was still permitted among the clergy, and the ecclesiastical fiefs, like the purely secular, were becoming hereditary, with the result that no real distinction existed between them. The state of Germany was so turbulent and so menaced by its ambitious neighbors on the east that two years passed before the new German king could appear in Italy, where Ardoïn, Marquis of Ivrea, had already set up an Italian kingdom; and twelve years elapsed in the struggle to overthrow him before the imperial diadem was at last received. At Rome, a third Crescentius exercised the despotism of that powerful family, naming popes and treating them as puppets; until the counts of Tusculum pushed him aside, only to take his place and continue his practices. The Empire had become a nullity, and the Papacy had fallen into general disrepute. All the great work of the past appeared to have been undone and Europe delivered over to the will of its local despots. But two great movements, based upon opposing theories, were to redeem the central power from the degradation into which it had fallen, only to rend it asunder when it was restored.



## I. THE REBUILDING OF THE EMPIRE

CHAP. V

A. D.

1002-1125

The reign of  
Henry II

After a spirited contest, the nobles, in 1002, selected as King of Germany a son of Henry the Quarrelsome, Henry, Duke of Bavaria, known to later times as the "Saint." Like Henry I, the new king was a practical man; who, abandoning the chimeras of his predecessor, turned his attention first to the rescue of the kingdom from anarchy and invasion. Pursuing the policy of Otto the Great, he attempted the reconstruction of Germany through the agency of the Church, to which he was sincerely devoted; but, regarding it as a servant of the state, he confiscated the properties of the monasteries and substituted his own trusted friends for the secular and ecclesiastical magnates throughout the kingdom, wholly disregarding the principle of election in the choice of bishops, whom he appointed directly as if by a divine right. His struggle with the Poles was long and bitter, but he at last succeeded in reducing them to his suzerainty. Devoting his attention to the restoration of order in Germany, after his first unsuccessful journey to Italy in 1004, he had little energy remaining for asserting his authority south of the Alps. In February, 1014, after twelve years of conflict, he appeared at Rome, where he was at first received with great distinction; but, in the midst of his coronation fêtes, a fierce battle broke out between the Germans and the Romans on a bridge over the Tiber. Among the gifts which the new emperor received from the hand of Benedict VIII was a globe of gold surmounted with a cross, as a symbol of his universal dominion and relation to the Church. The attitude of the Romans was, however, more important to his authority than this pretentious symbol. Unable to impose his will in Italy, after an unsuccessful expedition to subdue the country, Henry II bore his trophy of world dominion back to Germany, the Papacy was left to the mercy of the Roman factions, and the imperial rule became merely nominal.

CHAP. V  
A. D.  
1002-1125

Having already, in June, 1006, obtained possession of Basel, after a treaty of alliance with King Robert of France, a convention was made with King Rudolf III of Burgundy for the inheritance of his kingdom; but, overruled by the Burgundian nobles, who opposed this transaction, the Emperor was compelled to renounce this inheritance. Having made peace with his Polish vassal, Boleslav, by the Treaty of Bautzen, of January 30, 1018, Henry renewed his transactions with Rudolf for the crown of Burgundy, and was again forced to abandon his designs. Powerless to execute his will over the Burgundians, Henry, nevertheless, played the part of an imperial benefactor toward Benedict VIII, upon the occasion of the Pope's visit to Germany in 1020, bestowing upon him the monastery of Fulda in Germany and "all the lands lying between Narni, Terno, and Spoleto" in Central Italy. A campaign to effect the transfer of these benefactions and to pacify Italy, begun in 1021, was terminated in 1022 by an epidemic which devastated his army; and after a short sojourn in Northern Italy he returned to Germany, where he died, on July 13, 1024.

The election  
of Conrad II

The death of Henry II brought to an end the dynasty of the Saxons, and the House of Franconia succeeded in the person of Conrad the Elder, a descendant of Otto I through the marriage of Otto's daughter with Conrad the Red. The manner of his election as King of Germany is fully reported to us by his chaplain, Wipo, and is of interest as indicating the first stages in the formation of the Electoral College of a later time. The nobles being present—"vires et viscera regni"—with a great number of followers from Saxony, Suabia, Franconia, and Lotharingia, two candidates were named, distinguished as Conrad the Elder and Conrad the Younger, the latter being also a descendant of Conrad the Red. After consultation, Wipo informs us, the Archbishop of Mainz, whose opinion was to be received before that of the others, being asked by the people what seemed best to him, "praised and chose" the elder Conrad "as lord and king, and as ruler and defender of the country." With-

out hesitation the other archbishops and the rest of the clergy followed this opinion. Conrad the Younger added his approval, and the King, taking the defeated candidate by the hand, made him sit down beside him. The nobles then, according to their provinces, repeated the formula of election. Afterward the people by acclamation expressed their approbation.

The leading part taken by the ecclesiastical magnates in this election, headed by the great primate of Mainz, indicates the predominance which the clergy had attained in the affairs of the kingdom; for it was the Archbishop who nominated the King, the ecclesiastics supporting the nomination, and the secular nobles repeating the formula of election, while the people acquiesced.

With remarkable energy and ingenuity, Conrad II soon made his power felt. The supremacy which his predecessors had given to the clergy, in order to subordinate the secular nobles, he perceived to be dangerous to the royal authority; for the ecclesiastics had, in turn, become great and powerful princes, who were only in name servants of the Church. To counterpoise the greater nobles, both secular and spiritual, Conrad based his policy on the direct dependence and support of the lesser nobility, whose cause he espoused against the power of their overlords. In order to render this system of authority effective, he demanded that military service be rendered to him by the counts and barons; and, in return, made hereditary in their families their titles and estates. Thus, by a single stroke of policy, the new king bound directly to his person the vassals of his greater nobles, and at the same time confirmed the principle of heredity in its application to the crown. It was a device by which the great monarchies of a later day were to be built up, but it created a new danger for the German kingdom; for, while the great dukes and bishops, by the extent of their authority, had been able to preserve order in their domains, the new *régime* gave birth to a vast number of petty dynasties, over whose contentions, in default of a vigorous royal will, no

CHAP. V  
A. D.  
1002-1125

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Conrad's policy with the nobles

## CHAP. V

A. D.

1002-1125

controlling hand could be extended. In laying the foundations of a more effective royalty, Conrad was sowing the seeds of future anarchy.

Conrad's coronation as emperor

The organization of the new system of control and the suppression of revolts in Lotharingia and Suabia, whose dukes attempted to resist him, having established Conrad's authority in Germany, Italy invited his ambition. The Lombard bishops had found a certain protection in the German supremacy, feeble though it was under Henry II; but the Italian nobility, eager to use a free hand in their schemes of self-aggrandisement, had now conceived the idea of calling in the French to drive out the Germans, — an idea that later became traditional in Italian politics. Having appealed in vain to King Robert of France, they invited the presence of William, Duke of Aquitaine, who, in the hope of securing an inheritance for his son, descended into Italy, but soon abandoned his project. To Conrad the time now seemed ripe to claim his rights as emperor; and, in 1026, he crossed the Alps for this purpose. Shut out of Pavia, where it was the custom to receive the crown of Lombardy, Conrad spent a year in reducing Northern Italy to submission, and, having first been crowned king at Milan, the imperial diadem was finally received at Rome from the hand of Pope John XIX, on Easter Sunday, March 26, 1027, in the presence of Rudolf III, King of Burgundy, and Canute, King of Denmark, who were there on a pilgrimage.

Conrad's consolidation of his power

Imposing obedience on the Lombard dukes of Southern Italy, but without attempting any aggression upon the Greek cities which still bore allegiance to the Eastern Empire, Conrad returned to Germany, and, in 1028, induced the nobles to crown his son Henry as his successor. Having thus secured the succession to his son, he put down the revolt of his son-in-law, Ernest of Suabia, and turned his attention to the Hungarians and Poles, whose encroachments were creating a new peril for Germany. In 1032, having succeeded in repelling the hostile advances of Stephen of Hungary into Bavaria, he re-established his eastern border



by a vigorous campaign against the Poles. But a still more brilliant success was in store for him.

The Kingdom of Burgundy, which had maintained a separate existence since the disruption of the Empire by the abdication of Charles the Fat, was now in the nominal possession of a childless old man, Rudolf III, who had agreed to confer the succession on Henry II, but was prevented by the hostility of the nobles. Now that Conrad was able to enforce the arrangement, upon the death of Rudolf, in 1032, the kingdom was restored to the Empire, but not without opposition. Although the dying king had sent his crown to Conrad, the nobles still resisted the supremacy of their new sovereign. By a treaty of friendship with Henry I of France, who became affianced to Conrad's daughter, the Emperor succeeded in breaking the force of the opposition, and was crowned King of Burgundy near Neuchâtel, on February 2, 1033.

The union of Burgundy with Germany and Italy was an important step in the development of Conrad's realm. Both Upper and Lower Lotharingia having been previously annexed, the German element now not only possessed great preponderance in the Empire, but all of that kingdom of Lothair which had been set apart by the Treaty of Verdun had now been acquired. Only the kingdom assigned to Charles the Bald was now beyond its borders, while to the east the old marches had been extended far into the ancient home of the Slavs, and Poland had been rendered tributary to the Empire. When, therefore, on July 20, 1039, Conrad II suddenly died, on his return to Germany after his effort to secure obedience in Italy, he left to his successor an empire even wider in extent than that which Otto the Great had founded.

Conrad's son Henry, already Duke of Suabia and Bavaria, and crowned King of Germany during the lifetime of his father, was the first of the German kings to receive the royal power without opposition. Possessing unusual natural gifts, and carefully trained by his father for the great task which

CHAP. V

A. D.

1002-1125

The accession  
of the King-  
dom of Bur-  
gundy

The kingship  
of Henry III

CHAP. V  
A. D.  
1002-1125

lay before him, Henry III, although only twenty-two years old, took up the government of the Empire with the hand of a master. Inspired by elevated ideals conceived in a practical spirit, Henry aimed at the re-establishment of the Holy Roman Empire as the ruler of the world. His first thought was given to the danger arising in the East. The Duke of Bohemia, Bretislav, was aiming at the foundation of a great independent Slavic kingdom with an archbishopric at Prague, owing allegiance to himself alone, and, in order to augment his dominion, was making an attack upon Poland. Henry hastened to the scene, renewed the feudatory relations of the Poles to himself, subdued Bretislav, and compelled him to do homage for both Bohemia and Moravia; dethroned Aba, King of Hungary, who had been placed on the throne of St. Stephen by a pagan reaction; and, under a new king, Peter, made Hungary a fief of the Empire. Turning toward the East and regarding his Burgundian possessions, Henry resolved to secure the friendship of France; and by a marriage with Agnes, daughter of William of Aquitaine, entered into close relations with his French neighbors.

Henry's efforts for peace

Having thus completed the line of vassal states on his eastern frontier, and made friends on his western border, Henry began the reorganization of his kingdom from within. The support which Conrad had given to the lesser nobility had begun to yield its harvest of private feuds and petty wars. Seeing that the government of so great a realm required a system of strong local administration, at a diet held at Constance Henry exhorted the nation to peace, and resolved upon a more liberal policy toward the greater nobles, whose authority was necessary to preserve the good order of the kingdom.

The evil which Henry III wished to overcome was almost universal in that age, for the possession of armed power by the feudal nobility had led to the prompt redress of every real or imagined injury by an appeal to force. "*Faustrecht*" — or "fist law" — as the Germans have called it, became the brutal code of the time; and whoever had power used it for the accomplishment of his designs.

Against this evil the Church had proclaimed its prohibition, but in vain. In 1027, at the call of their bishop, a convention of the local clergy and laity had met in the county of Roussillon, in the Pyrenees, and agreed that no man should assail another on the Lord's Day. About the year 1040, this truce was adopted by a larger assembly of prelates and nobles, under the presidency of the Archbishop of Narbonne, and so far extended as to include the entire portion of every week from sunset of Wednesday to sunrise on Monday, as well as all the holy seasons of the year. Thus, from a purely local movement, arose that great institution of the Middle Ages known as the "Truce of God," which the Papacy finally adopted and strove to render universal. It is a lasting honor to Henry III that he was the first ruler to place a check on the turbulent nobility of his time by striving to prevent unrestrained indulgence in private war.<sup>1</sup>

CHAP. V

A. D.

1002-1125

The weakness of the Empire after the death of Otto III was strikingly exhibited by the condition of the Papacy, which, upon the death of Sylvester II, had again fallen into the hands of the Roman nobles. The power which the counts of Tusculum had wrung from the last Crescentius was, by a strange *entente* between them and the German kings, allowed full liberty at Rome. It was, apparently, the only means by which the Emperor could maintain that nominal relation to the Papacy which was implied by the theory of the Empire; but, in reality, the papal power had become a hereditary possession of the House of Tusculum. Not content with naming popes, the members of this powerful family themselves assumed the papal office; two brothers, under the names of Benedict VIII and John XIX, having in succession filled the Chair of St. Peter from 1012 to 1032, passing on the tiara to a nephew, Benedict IX,

The degradation of the  
Papacy

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<sup>1</sup> It is interesting to note that Henry IV, in the most desperate moment of his struggle with Gregory VII, in 1085, issued a decree concerning a Truce of God, the text of which may be found in Henderson, *Select Documents*, pp. 208, 211.

## CHAP. V

A. D.  
1002-1125

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whose extreme youth of only twelve years and whose extravagant behavior became the scandal of Christendom. His excesses led the Romans, in 1045, to set up another pope, Sylvester III; when Benedict, fearing for his own safety, sold the Papacy to a prelate who assumed the name of Gregory VI; and, in strange contrast with this act of simony, attempted to institute reforms. Benedict, afterward repenting of his hasty bargain, returned to Rome and endeavored to establish his claim to the papal authority; and thus three popes, each too feeble to depose the others, were degrading the high office with their quarrels.

Henry's work  
in Italy

Such was the crisis at Rome when, in 1046, the Italians convoked a synod and invited Henry to put an end to this disgraceful situation. Resolved to purify the Papacy, Henry crossed the Alps and held a synod by which the wrangling rivals were deposed; then, proceeding to Rome, he demanded that the right of choosing the Pope be ceded to himself. This privilege having been accorded by the Romans, with a promise that in future papal elections the Emperor's will should be obeyed, he designated as pope the German Bishop of Bamberg, under the name of Clement II; who, on the day of his consecration, Christmas, 1046, conferred upon Henry the imperial crown. Having thus pacified Rome by the complete confiscation of the Papacy, in company with his new vassal, he traversed Italy, which he brought under submission to the new order of things. Clement died soon afterward, but Henry named a succession of German popes, whom the Italians humbly accepted. By the reorganization of Germany and the control of the Papacy he had completed the work of restoring the Empire, and had raised the imperial office to a new height of dignity and power. For a moment, it seemed as if the end of the hard struggle had at length been reached and a permanent organization bestowed upon Christendom; but an unexpected occurrence was about to change the whole direction of events and lead to a complete transformation in the government of Europe.



## II. THE REGENERATION OF THE PAPACY

CHAP. V

A. D.

1002-1125

The influence  
of Cluny

While greedy barons and princely prelates were absorbing the estates of the Church, which the Papacy was too weak to protect, and which the Emperor was using to build up his supremacy, sincere religious faith still lingered on in the monasteries, whose possessions were suffering most from the avarice of the temporal powers. In 910, William the Pious, Duke of Aquitaine, had founded a new monastery at Cluny, near Macon, in Burgundy. To preserve it from the encroachments which had proved so disastrous to other monastic foundations, he endowed it with absolute immunity from all jurisdiction except that of the See of Rome, and set over it a noble abbot whose piety and ability soon made it notable for morality and intelligence. Great numbers of devoted men entered its fellowship, until its rapid growth necessitated the founding of new houses to extend its capacity. These new colonies were so related to the original establishment, that all were not only bound by the same rule, but organically affiliated as members of one great system, presided over by the Arch-abbot of Cluny. Thus, an almost military discipline was maintained over the dependent communities, by which the strictest unity of doctrine, method, and policy was imparted to the growing brotherhood, until it became the most effective international organization of its time.<sup>1</sup>

Owing allegiance to no power except the Papacy, the brotherhood of Cluny, lamenting the depth of impotence and debasement to which the papal office had been reduced, with a high conception of its duties and prerogatives, resolved to restore it to its rightful authority. In an age of brutal force and ferocity, it longed for a new reign of peace and righteousness, and saw no hope of realizing its desire except in the

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<sup>1</sup> A translation of the "Foundation Charter of the Order of Cluny," dated September 11, 910, is found in Henderson, *Select Documents*, pp. 329, 333.

CHAP. V  
A. D.  
1002-1125

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exercise of a new spiritual dominion of the Church. To secure this dominion, the entire hierarchy must be reformed, beginning with its head. The Papacy must be released from the control of the Roman aristocracy and the dictation of the Emperor; when the Papacy had regained its freedom from temporal coercion, the Pope must be chosen from among spiritual leaders by spiritual men; the feudal relations of prelates to temporal rulers must cease; to enforce this idea the marriage of the clergy must be prohibited, and the hereditary transmission of ecclesiastical estates thus prevented; the bishops must be freely elected, not appointed by the temporal sovereign, and simony and the subservience of spiritual powers to merely temporal ends thereby averted. In a single formula, the spiritual must be placed above the temporal by the recognition of the Papacy as the supreme authority over all mankind; for emperors and kings alike are the rightful subjects of that greater kingdom of Heaven of which the Pope is the representative on earth. Such was the ambitious programme of the Cluniac reformation, by far the most potent international influence of the eleventh century.

The relation  
of Henry III  
to the doc-  
trines of  
Cluny

In appropriating the right to appoint popes, Henry III had, indeed, violated a cardinal doctrine of the Cluniac faith, which was based on the fundamental idea of the supremacy of the Papacy; but the fidelity with which the Emperor discharged his great trust by appointing men of high character to the papal office went far toward reconciling the reformers to his conduct. Still, the young monk Hildebrand, who was to become the fire and sword of the new movement, followed the deposed Gregory VI, to whom he was closely attached, into exile. The first two popes named by Henry — Clement II and Damasus II — lived but a short time and accomplished little. But the Emperor's cousin, Bruno, Bishop of Toul, who in 1049 was appointed pope as Leo IX, was an ardent adherent of the Cluny brotherhood and accepted the nomination of the Emperor only on condition that he should be elected by the clergy and people of Rome. Crossing the Alps in the garb

of a pilgrim, after visiting Cluny to receive the counsels of the brotherhood, he took in his company the monk Hildebrand as friend and counsellor, was gladly received and elected by the Romans, and the following Easter issued his condemnation of simony and the marriage of the clergy. Henry III nobly supported him in his efforts to reform the Church, and the new pope, travelling far and wide through the Empire, and appealing to the more spiritually minded of the clergy, seemed to that age the apostle of a new dispensation. In France, he met with opposition, but the Synod of Reims, in 1049, inspired by the presence and activity of the priors of the Cluny brotherhood, gave him a loyal support, and excommunicated the refractory bishops. The synod also asserted the right of the Pope to invest the bishops with the insignia of their office, — a declaration which was to provoke the fierce opposition of the imperial power and become the chief issue in a long and bitter strife. Thus began that great restoration of papal influence and authority which was to grow into a sovereignty more real than had been exercised by any emperor since the days of the Caesars.

Eager to extend the physical basis of papal influence by an acquisition of territory to the Roman See, which had been cruelly robbed by the petty despots upon its borders, Leo, having obtained from Henry III the cession of the Duchy of Benevento, hastened to claim his new possession. The gift of Henry was, in reality, the granting of a territory already in dispute; for the Norman adventurers, who, in search of new conquests, had gone out from the Duchy of Normandy in Northern France, which Charles the Simple had bestowed upon Rollo the Viking in return for his vassalage, had formed a strong colony in Southern Italy, and were wresting from the Greeks the lands they had long occupied, and at the same time turning their faces northward in quest of new acquisitions.

Gathering a force of Italians and Germans, the Pope, on June 18, 1053, risked a battle which proved a decisive victory for the Normans; and Leo, taken prisoner, barely escaped

CHAP. V

A. D.

1002-1125

The battle  
with the Nor-  
mans and ne-  
gotiations  
with the East

## CHAP. V

A. D.  
1002-1125

with his life. Unwilling to abandon his plans, after praying for his foes, who treated him with great deference and consideration, Leo entered into correspondence with the Greek emperor, with a view to forming an effective league against them.

For a moment, it seemed as if the Papacy was about to combine the East and the West in a great movement for the liberation of the Italian peninsula from the invader and the restoration of harmony between the divided realms of Christendom. Two distinguished prelates, Frederick of Lotharingia and Cardinal Humbert, were sent as legates to Constantinople with a letter to the Emperor, Constantine Monomachus, in which Leo IX related his misfortunes, pointed out the danger to the Greek as well as the papal interests arising from the presence of the Normans in Italy, and exhorted him as the successor of Constantine to imitate that emperor's devotion to the Apostolic See and aid in defending the rights which Constantine had conferred upon it.

The failure of  
Leo's diplo-  
macy in the  
East

The chasm between the East and the West was too wide, both politically and religiously, to be easily bridged; for there was, both in substance and in form, a deep disagreement between the views of the Greek and Latin churches, as well as an antagonism of temporal interests. But the spark which kindled the indignation of the Greek Patriarch and terminated all hope of an *entente* between Rome and Constantinople was the sarcastic and discourteous manner of Cardinal Humbert, whose tone was offensive to the ceremonious Byzantine.<sup>1</sup> The West was still in the crude beginnings of courtly etiquette, but the East had long been habituated to a

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<sup>1</sup> Cardinal Humbert was intrusted by Leo IX with his most important missions and transactions, and was called "*beati Leonis papae comes jugis consiliariusque acceptissimus*." His writings, which are highly controversial, give some idea of his oral methods. He has attempted to justify the conduct of his mission. See Will, *Acta et Scripta*, pp. 61, 150, and the biography by Halfmann. Frederick of Lotharingia, who was associated in this mission with Cardinal Humbert, afterward became pope as Stephen IX.



studied courtesy, and it was from its more polished manners that Western Europe was later to acquire those polite forms of intercourse which were to mark the age of chivalry. The Papacy had long employed occasional legates, but they were men possessing no special training beyond that of ecclesiastical life; while Constantinople, without organizing permanent missions, had a large experience in diplomatic intercourse. Foreign princes, particularly in the Orient, were always desirous of relations with the Eastern Empire, and ambassadors were constantly received and sent. To watch, to divide, and to propitiate its enemies, the Byzantine court had need of numerous envoys, and the Oriental instincts of suspicion and duplicity found in diplomacy a wide field of operation.

CHAP. V

A. D.

1002-1125

The Byzantine diplomacy was not only admirably organized, but presided over by a department of foreign affairs long before this office was established anywhere else in Europe. A fixed ceremonial had gradually grown up, whose formulas were considered of great importance. When a new emperor ascended the throne his advent was formally notified to all the princes of the East and the West.

The reception  
of ambas-  
sadors at Con-  
stantinople

The embassies of foreign powers were received with every refinement of hospitality, but kept under a surveillance that left them little opportunity of playing the part of spies. Under the pretence of an escort of honor, a strong force met the arriving ambassador at the frontier; and, in order to impress him with the impregnable character of the country, he was conducted by the longest and most difficult route, with the assurance that it was the easiest approach to the capital.

During their sojourn at Constantinople, the embassies, with all their personnel, were installed at the expense of the state in a palace set apart for their residence; — a special office, called “Skrinion Barbaron,” or “Bureau of the Barbarians,” taking charge of their entertainment. All their movements were secretly watched and they were always escorted by a guard, which served less for their protection than to prevent their freedom of observation and intercourse.

## CHAP. V

A. D.  
1002-1125

If the visitors represented powerful neighbors, care was taken to conceal from them the wealth of the capital and the beauty of its women, and to display the number and splendor of its troops and the height and solidity of its ramparts. Military reviews were held in their presence, and the same soldiers, with different arms and ensigns, were made to pass repeatedly before them, with instructions to look as warlike and ferocious as possible.

The court  
ceremonial

The first interview with the Emperor was made as impressive as a formal ceremonial could render it, the few words spoken being communicated through the official "Logothete." When the ambassador had been sufficiently awed and dazzled by the frigid magnificence of his first reception, he was afterward flattered into accepting the courtesy and affability of His Imperial Majesty as a mark of special favor to himself or his sovereign, and thus prepared to make the miscalculations of vanity.

Every honor was shown to the nation and prince of the stranger. Imperial officers were delegated to afford the ambassadors all the delights of the capital, and especially to acquaint them with its monumental splendors, the magnificent liturgy, and the religious solemnity of the great Church of St. Sophia, whose ancient relics—the rod of Moses, the true cross, the *maphorium* of the Virgin, etc.—were alleged to possess miraculous properties, and filled the imagination of the visitor with the idea that the city was not only the possessor of heavenly treasures, but under special divine protection.

The book of "Ceremonies," written by the Emperor Constantine Porphyrogenitus, names the place of each ambassador in all the public solemnities, and describes himself giving a fête in the hippodrome in honor of the Arabian envoys, and Justinian II presiding with the Persian ambassador at a horse race.

The ceremonial not only permitted the private entertainment of ambassadors by the Emperor, but specially provided for their invitation on certain days to great public festivals;

when, to confer still greater honor, it was the Emperor's custom to send to his guests, accompanied with expressions of friendship, some of the dishes which were prepared for himself. With a refinement of courtesy, it was even recommended to him to select for these attentions, not only the fêtes of the Greeks, but the holidays of the different nations.

But the skill and courtesy of the Byzantines in receiving foreign envoys was surpassed by their wisdom in sending forth their own representatives. Each ambassador, having first been examined with reference to his fitness, was specially instructed before his departure regarding the purpose and conduct of his mission. He was enjoined, first of all, to be uniformly courteous, and then to be as generous as his means permitted. In order to defray the expenses of the embassy, products and manufactures of the Empire were often taken to be sold in the foreign country, thus serving the double purpose of providing for the support of the embassy and creating a market for the imperial merchandise. The envoy was always to praise, never to criticise, the possessions of the stranger, but without depreciating those of his own country. From the precautions taken against the curiosity of foreigners, we may infer that the Byzantine envoys were also instructed to observe and report to the Emperor as much as possible. Although now lost, we know that these reports were a part of the Byzantine system.

It was from contact with the East that Venice acquired that schooling in diplomacy which the Italians organized into an elaborate system, and later communicated to the rest of Europe, thus furnishing the basis of our modern diplomatic practice.

To the Greek Patriarch, habituated to receive unflinching respect and courtesy in his intercourse with strangers, the fiery zeal and strenuous arrogance of the Roman Cardinal in defending his position probably seemed more offensive than his doctrinal pretensions, and the interview ended in a bitter quarrel. The departing legates of Rome laid upon the high altar of St. Sophia their sentence of papal excommunication,

CHAP. V

A. D.

1002-1125

The Byzantine embassies

The schism of East and West rendered final

CHAP. V  
A. D.  
1002-1125

to which the offended Patriarch replied with bitter accusations against the Latin Church. The schism was final, and the hope of union between the two great branches of Christianity was extinguished forever. From the failure of this *rapprochement* in 1054 grew up a mortal enmity between the Greek and Latin churches which was never to be appeased, and when the Crusades brought on the devastation of the East it was against the Greek as well as against the Saracen that war was finally waged. When, at last, the Turk bore down upon Constantinople, to overwhelm it, and set up his rule over the Eastern Empire, the event was not regarded as the fall of a Christian frontier, but as the defeat of an ancient enemy. The alliance that might have saved Europe from centuries of discord and agony was rendered impossible through the acrimony of a theological debate.

Death of  
Henry III  
and rise of  
Hildebrand

Notwithstanding the failure of his plans, Leo, who died soon afterward, had given to the Papacy a distinct elevation of force and character, and the work he had begun was to be carried on with even greater energy by others. His immediate successor, Victor II, the last pope named by Henry III, did not long survive the Emperor, who died on October 5, 1056; and the vacancy in the Papacy, combined with the fact that the young son of Henry III, who had been already crowned King of Germany, was a child of only six years, created a great danger and a great opportunity.

But the man whose genius was to shape all events to his purpose had already appeared in view, and had become the directing power behind the papal throne. The young monk Hildebrand,<sup>1</sup> who had accompanied Leo to Rome from Cluny, had become a perfect master of the situation. The son of a Tuscan peasant, without great learning or a prepossessing personality, Hildebrand had become the incarnation of the ideas

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<sup>1</sup> It has been questioned by W. Martens, *War Gregor VII Mönch?* Danzig, 1891, if Hildebrand was really a monk, although he wore a monk's garment. The doubt thus raised has been answered by Scheffer-Boichorst.



of Cluny, and with marvellous skill and energy, united with a sincere and unselfish devotion to the papal cause, he consecrated the whole force of his intense nature to making those ideas effective.

It was Hildebrand who had successfully urged upon the Emperor the appointment of Victor II, and it was Hildebrand who now both rescued the Papacy from its peril of falling back into the power of the Roman aristocracy, and fortified it against imperial dictation in the future.

The long minority of Henry IV furnished an exceptional opportunity for the building up of a system of alliances on the part of the Papacy which would render solid and permanent that absolute freedom of the papal office which the theory of Cluny demanded. The local conditions in Italy were by no means unfavorable to such a design, but it required a genius like that of Hildebrand to perceive and combine them.

The strongest enemy of Henry III was Godfrey, Duke of Lower Lotharingia, known as the "Bearded." By his marriage with Beatrice, — mother of the Countess Matilda, who, through the extinction of the male line by the death of her father, Boniface, Marquis of Tuscany, had inherited vast estates adjacent to the papal territory, — Godfrey had become an Italian as well as a German magnate, and the last days of Henry III were occupied with an attempt to destroy this formidable noble, in whom he perceived a grave danger to the Empire. In 1055, Henry III had carried Beatrice and Matilda as captives to Germany, but they were afterward released, and Matilda became a zealous friend of the Papacy.

The brother of Godfrey, Frederick of Lotharingia, an ardent disciple of Cluny and Abbot of Monte Casino, who had accompanied Cardinal Humbert on his mission to the East, was now brought forward as the successor of Victor II, and was made pope as Stephen IX. By his election the Tuscan influence in Italy was finally secured for the Papacy, and at the same time an important friend had been won in Germany. But Stephen's death in the following year created a new crisis; for the counts of Tusculum entered upon the scene,

CHAP. V

A. D.

1002-1125

The rescue of  
the Papacy by  
Hildebrand

CHAP. V  
A. D.  
1002-1125

terrorized Rome, and secured the election of one of the family to the Papacy, under the name of Benedict X. Hildebrand's energetic action alone saved the Papacy from a relapse into its previous impotence. Hastening to Florence, he entered into an alliance with Godfrey, and having the better element of the clergy with him, the cardinals were invited to Siena, where Gerhard, Bishop of Florence, was chosen pope as Nicholas II. A synod was held at Sutri, Benedict was deposed, and early in 1059 Nicholas II entered Rome in triumph, with Hildebrand as his chief minister. By organizing a defence of the Papacy on Italian soil, Hildebrand had both defeated the schemes of the Roman aristocracy and rendered unnecessary the old remedy of invoking aid from Germany. His vigorous policy soon restored the freedom of the Papacy and laid the foundations for its later domination.

The election  
of the Pope  
confided to the  
College of  
Cardinals

The time had now arrived for realizing that part of the programme of Cluny which related to the choice of the successors of St. Peter. Seeing that election by the people and clergy of Rome had led to shocking abuses, through the influence of the corrupt aristocracy, a remedy for this evil was sought by conferring the power of choice upon a close corporation, whose motives and interests, it was believed, would be purely ecclesiastic. In accordance with these ideas, a council was called by Nicholas II, in April, 1059, by which the ancient right of the people and clergy of Rome to choose their bishop was conferred upon a College of Cardinals, composed of the seven cardinal bishops of Palaestrina, Porto, Ostia, Tusculum, Albano, Sabino, and Candida Silva, with the approval of the cardinal priests and deacons, who were regarded as representing the clergy and people.<sup>1</sup> Deference was shown to the imperial office by recognizing the right of young Henry IV to confirm the election, but the decree was so framed as to give this

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<sup>1</sup> See the papal and imperial versions of the "Decree of 1059 concerning Papal Elections" in Henderson, *Select Documents*, pp. 361, 365.

privilege the character of a personal concession of the reigning pope rather than as an inherent legal right of the Empire.

The purpose of the new mode of election being to secure the complete independence of the Papacy from all temporal control, the Germans saw in this step the dissolution of the imperial influence in Italy, and not only rejected the decree but called a council to depose Nicholas from office.

But Hildebrand was fully prepared for the conflict which he foresaw to be inevitable, and lost no time in strengthening the hands of Nicholas. By his advice, it was decided to support the alliance with Tuscany by a treaty of friendship with the Norman power which had been steadily growing up in Southern Italy. With strong allies on both sides of the papal dominions, Hildebrand believed that it would be possible to disregard the threats of Germany, and to maintain the independence of the Pope at Rome. Accordingly, he set out in person for Southern Italy, where at Capua he concluded an alliance with Count Richard, who had been friendly with the monks of Monte Casino, and returned to Rome with a retinue of Normans. In the summer of 1059, Nicholas himself held a synod at Melfi, in Apulia, and Robert Guiscard, Duke of Apulia, as well as Richard of Capua, became the formal vassals of the Pope. By this alliance with the Normans, the Papacy established a feudal sovereignty in Italy which promised not only to confirm its spiritual independence but to secure its temporal authority in its own dominions. A part of the inducement which cemented the friendship of the Normans was the Pope's confirmation of Sicily to the Norman dukes, in case they should be able to drive out the Saracens. In a few years this result was accomplished, and the Norman power became a still more useful support to the Roman See.

The vigor with which Hildebrand was building up the papal power in the rest of Italy rendered comparatively easy the subjection of Lombardy to the will of Rome. The archbishops of Milan had long maintained an autonomy

# CHAP. V

A. D.  
1002-1125

The alliance  
with the  
Normans

The recovery  
of papal con-  
trol in Lom-  
bardy

CHAP. V  
A. D.  
1002-1125

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which practically disregarded the papal authority. In opposition to the reform movement, which condemned clerical marriage, for the purpose of preventing the hereditary appropriation of ecclesiastical offices, Archbishop Guido had defended the practice as an ancient custom of the Church. But Hildebrand was firm, and demanded abject submission. At a synod held in Milan, the marriage of the clergy was forbidden, and Guido was restored to his archbishopric only after pledges of obedience. Thus, every part of Italy was firmly bound to the Apostolic See, and the policy of Hildebrand became triumphant.

The rivalry  
of Alexander  
II and Honorius II

The death of Nicholas II, in July, 1061, produced no change in the papal policy, for Hildebrand continued his influence over the successor of Nicholas, Alexander II, who became pope in the following October. His election by the cardinals, without even the form of consultation with the representatives of Henry IV, was deeply resented in Germany and hastened the inevitable struggle between the Empire and the Papacy. A council was called at Basel, in October, an antipope set up, under the name of Honorius II, and the rival claimant crossed the Alps to enforce his pretensions. By the aid of the counts of Tusculum, Honorius was successful, for a time, in overpowering the partisans of Alexander. But the Germans were not united in their counsels, and the Cluniac party everywhere supported the election of the cardinals.

Taking advantage of this division, Hildebrand employed it as a means of settling the controversy. Rome, in a state of siege, was occupied by both claimants, and each was placed in a perilous position. An armistice was now proposed by Godfrey, with the understanding that the two papal contestants retire to their respective bishoprics,—Honorius to Parma, and Alexander to Lucca,—while the question of their rights was decided by the German court. To this proposition, Honorius, relying on his German support, gladly acceded.

The controversy being thus transferred from the field of



battle to that of diplomacy, the masterly hand of Hildebrand soon made itself felt. Events of a surprising character suddenly occurred in Germany. The regency of the Empress Agnes was abolished. In association with Otto, Duke of Bavaria, and Egbert, Count of Brunswick, Anno, Archbishop of Köln, formed a plot to obtain possession of the young king, Henry IV, then twelve years of age. On a visit to the palace of St. Suidbert, situated on an island in the Rhine not far from Düsseldorf, the Archbishop invited the young prince to enter a beautifully decorated barge for a pleasure ride. When the boatman showed no signs of returning, the indignant boy threw himself into the water; but Count Egbert rescued him, and he was borne off by his captors. The nobles having consented to the proposition that the regency should be in the hands of the bishop where the King made his abode, Henry was flattered into docility, and Anno thus became the virtual head of the government. By a secret understanding with Godfrey, he recognized the rights of Alexander II, and called a council at Augsburg, on October 28, 1062, which repudiated Honorius II, confirmed the election of Alexander II, and gave the party of Hildebrand a complete victory. In January, 1063, Godfrey having been appointed to conduct Alexander safely to Rome, the Pope was installed in the Lateran palace, while the united forces of Tuscany and the Normans subdued the opposing aristocracy. The conflict was afterward reopened, but in May, 1064, a council at Mantua condemned Honorius and recognized Alexander. The adherents of the antipope did not, however, entirely abandon his cause until his death, in 1072.

The death of Alexander, on April 21, 1073, rendered inevitable the elevation of Hildebrand to the papal throne, for under five of his predecessors it was his hand which had directed the policy of the Papacy and rendered it triumphant.

If his election was, in form, irregular,—a fact which cannot be disputed,—it was sustained by the Church as a

CHAP. V

A. D.

1002-1125

Hildebrand  
becomes pope  
as Gregory VII

## CHAP. V

A. D.  
1002-1125

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choice so general and so spontaneous as to seem like an inspiration. "St. Peter has chosen Hildebrand to be Pope!" was the joyful cry at Rome which followed the precipitate act of the cardinals. Even his enemies have not represented that Hildebrand sought the honor. On the contrary, he seems to have been dragged into it by popular importunity almost bordering upon violence. In view of the great interests at stake and the conflicts in which he was soon to be engaged, greater deliberation would have strengthened his cause. In Germany and in Lombardy opposition arose to his election; but Hildebrand, with great sagacity, calmly postponed his consecration until he had obtained the assent of the King. Once firmly seated on the papal throne, Gregory VII, as he chose to be called, resolved upon the realization of the entire programme of Cluny. With a zeal and boldness which had rarely been equalled in the history of the Church, the new pope began his task of elevating the Papacy to a place of supreme power over the temporal rulers of the world.

## III. THE STRUGGLE FOR SUPREMACY

Theory of the  
Holy Roman  
Empire

The Holy Roman Empire was, in theory, a double sovereignty founded upon the idea that the Empire and the Papacy were co-ordinate instruments of the divine will for the government of mankind. As man is possessed of two natures, soul and body, he needs two guides and rulers, the one spiritual the other temporal. The Pope is the supreme authority in matters spiritual, holding the keys of another world, and armed with power to cut off the perverse and disobedient from eternal blessedness. The Emperor, on the other hand, is an absolute authority in matters temporal, in whose hand has been placed the sword, in order to enforce justice among men. Each of these two powers, the spiritual and the temporal, has need of the other: the Emperor, as a man, needs the spiritual guidance of the Pope; the Pope, as an apostolic teacher and judge, needs the temporal protection

of the Emperor. To these two powers, each absolute in its own sphere, all mankind is rightfully subject; for they are the divinely appointed governors of the world.

Rarely, if ever, had this splendid theory been completely realized. The Pope had too often felt the strong hand of his protector; the Emperor had too often treated the Church as the mere servant of the civil state. The Papacy, which, in order to bear its great responsibility, should be free from human dictation, had been too long subservient to the accidents and despotism of temporal power. Intrinsically, the right to command was in itself; for the body should be directed by the soul, not the soul by the body. Such was the enlargement of the earlier theory which the reformers of Cluny and their disciple, Gregory VII, wished to carry into practice.

A multitude of cogent reasons gave strength to the cause of reform. That the hereditary character which the imperial office had assumed should place a mere child in supreme authority; that Italy should be subjected to the will of Germany; that an institution like the Church, as universal as humanity, should be under the control of a single nation; that spiritual offices should be given or bartered by the temporal power, — all seemed to the mind of Gregory unnatural and wrong. On the other hand, the successor of St. Peter, weighted with the duty of directing the inner life of Christendom, must be not only free and independent, but supreme over all kings and princes, and even over the Emperor himself. In short, sharp sentences, which fall like the strokes of a sword, Gregory's views of the papal office are thus presented: "The Roman Pontiff alone can be called ecumenical. His name is unique in the world. He alone can depose or reconcile bishops. He alone can establish new laws, or unite and divide dioceses. No synod can be called general without his orders. No one can condemn a person who appeals to the Apostolic See. The important affairs of every church should be submitted to the Pope. The Roman Church never has made, and never will make, mistakes. The Roman Pontiff

CHAP. V

A. D.

1002-1125

The attitude of  
Gregory VII

CHAP. V  
A. D.  
1002-1125

has the right to depose emperors. He may absolve subjects from fidelity to unjust princes."

Such are the principles which Gregory had derived from his study of the history and legislation of the Church, and with fearless sincerity he determined to apply them in practice.

Without hesitation, Gregory VII rose to the height of his conception in the policy which he adopted. Soon after his consecration, he took the bold step of excommunicating and anathematizing Robert Guiscard for his rebellion. At the same time, aiming at the reunion of Christendom by a compact with the Eastern Emperor, Michael VII, who was seeking for aid against the Saracens, he sent the Patriarch of Venice to negotiate at Byzantium. By means of a Christian army, the necessary adjunct of the papal monarchy, he hoped to expel the Normans from Italy and defend the East from the Saracens. To this end, he addressed a personal letter to Henry IV and other princes, laying great stress on this expedition and imploring aid. Without doubt, it was a part of Gregory's plan, by making himself the organizer of a great campaign in the name of a united Christendom, to raise the Papacy above all earthly sovereigns and to maintain the supremacy of the Holy See by directing the affairs of both empires. The struggle which soon arose with the German king rendered impossible this great enterprise, but he adhered with firmness to his lofty aim to execute the Cluny programme and subordinate the imperial office to the papal authority.

Significance  
of the im-  
perial office

The general conviction of the Church was, without doubt, in favor of the views held by the Cluny brotherhood and so tersely formulated by Gregory. Not only was the imperial crown bestowed by the Pope, but the very nature of the coronation by which the Emperor was invested with his authority,—at least in all that pertained to spiritual matters,—to that age implied the subordination of the Empire to the Papacy. While the German nation, in the election of its king, represented the purely temporal source of his au-



thority, namely, the free choice of the people, the imperial office had come to be, in reality, a sacred ministry conferred by a delegation of divine right received through the Pope as the spiritual head of Christendom. Such was the conception entertained by many of the emperors themselves, and the ceremony of consecration was the clearest exposition of this view.

This ceremony was, in effect, an ecclesiastical ordination. On the day of the coronation, the King, offering himself as a candidate, was received by the clergy and corporation of Rome near the Porta Castelli, where he took an oath to maintain the laws and customs of the city.<sup>1</sup> The *cortège* then proceeded to the steps of St. Peter's Church, preceded by the prefect of the city bearing a drawn sword, while chamberlains scattered coins along the crowded streets. Descending from his horse at the foot of the steps in front of the church, the King ascended with his retinue to a platform where the Pope, surrounded by the higher clergy, waited to receive him. Here he took a second oath, swearing to be a loyal defender of the Church, after which he received from the Holy Father the kiss of peace. Marching to sacred music, the Pope and the King then entered the Chapel of Santa Maria in Turri,<sup>2</sup> where the King was made Canon of the Cathedral. Thence, led by the Count Palatine of the

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<sup>1</sup> The form of this oath was as follows: "Ego N. futurus Imperator juro, me servaturum Romanis bonas consuetudines, et firmo chartas tertii generis, et libelli sine fraude et malo ingenio."

<sup>2</sup> Of this ancient chapel little appears to be known, but the following paragraph from an Italian authority on the churches of Rome throws some light upon its history: "Leone IX, in una bolla dell' anno 1053 che incomincia: *Convenit apostolico moderamini, concede al capitolo e ai canonici de S. Pietro in Vaticano ecclesiam S. Mariæ quæ vocatur in turri*. Il Muratori, narrando il fatto d' arme avvenuto fra i tedeschi del Barbarossa ed i Romani, dice che riuscì loro di potere attaccare con fuoco alla chiesa di S. Maria *in laborario* ossia *della torre*; ed essendo questa contigua a S. Pietro, poco mancò che le fiamme non penetrasero anche nella basilica." The chapel had come down from the days of Charles the Great. "Fu chiamata *in torre*, perchè contigua alla torre della basilica" (di S. P.). — Armellini, *Le chiese di Roma dal secolo IV al XIX*, 2 ed., Rome, 1891, p. 746.

CHAP. V  
A. D.  
1002-1125

Lateran and the Primicerius, they advanced to the silver doors of the Basilica, where the King knelt in prayer, after which the Bishop of Albano pronounced the first discourse. Having entered the nave of the church, not far from the entrance, at the *rota porphyretica*, — a round porphyry stone set in the floor,<sup>1</sup> — the Pope and the King knelt, while the latter repeated his confession of faith, after which the Cardinal Bishop of Porto, stationed on the *rota porphyretica*, delivered the second discourse. The candidate was then made a member of the clergy in the sacristy, clad with the priestly vestments, — the tunic, the dalmatic, and the cope, — shod with sandals, and covered with the mitre. He was then led to the altar of St. Mauritius, where he was anointed with holy oil on the neck and on the right arm by the Bishop of Ostia. The Pope then, before the high altar, placed a gold ring on his finger as a symbol of faith, girded him with a sword, and at last set the imperial crown upon his head, with the words: "Receive the sign of glory, the diadem of the kingdom, and the crown of the Empire, in the name of the Father, of the Son, and of the Holy Ghost; renounce the arch enemy and all manner of sin, be just and compassionate, and so live in holy love that thou mayest in the reunion of the blessed receive the eternal crown from our Lord Jesus Christ." The "Gloria" resounded through the cathedral with shouts of "Life and victory to the Emperor!" taken up and repeated in their several tongues by the assembled warriors, as the newly crowned monarch retired from the altar.<sup>2</sup>

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<sup>1</sup> This circular stone may still be seen in the floor of St. Peter's Church at Rome, a short distance from the central entrance, directly in front of the high altar.

<sup>2</sup> The "Ordo Coronationis" is variously given by different writers; as, for example, by Cenni, *Monumenta*, II, p. 261; Pertz, *Mon. Germ. Hist.*, IV, p. 187; Mabillon, *Musaeum Italicum*, II, p. 397. See also the works cited under the literature of this subject. As the question of the relation of the Emperor to the Pope came into dispute in the reign of Henry IV, it has appeared instructive to select as an example

But the Emperor was not suffered to depart from the basilica filled with a sense of his own superiority. The solemn rites were not concluded till he had laid off his imperial insignia, and in the modest garb of a sub-deacon ministered to the Pope in the pontifical mass. Then the Count Palatine removed his sandals and put on him the spurred red boots of the Emperor; after which the procession left the church, to march in triumph through the streets,—when the circumstances permitted,—amid the ringing of bells and the jubilation of the people. A banquet in the papal palace concluded the solemnities of the day.

Thus the ceremony of coronation was made to symbolize the rôle and duty of the Emperor as a servant of the Church. As a king, his authority was derived from his election by the German nation, who conferred upon him the attributes of sovereignty and assumed a relation of subjection to him as lord and master; but, as emperor, he was an ordained minister of the Church, specially charged with the defence of the Papacy from its enemies, and of Christendom from the Infidel. To escape from this conclusion, later emperors found it necessary to revive the rights and prerogatives of the Caesars as embodied in the old imperial Roman Law, but such an expedient was, in effect, a repudiation of the Holy Roman Empire.

The first open battle between the Papacy and the Empire was over the right of investiture. In a letter written to the Abbot of Cluny, Gregory complains, "If I look toward the West, the South, or the North, it is with difficulty that I find any bishops whose elevation to the episcopate and whose life are in conformity with the laws of the Church, or who govern the people from the love of God, and not under the influence of worldly ambition." The free election of bishops had been superseded by royal appointment, and the highest ecclesias-

CHAP. V  
A. D.  
1002-1125

The investiture controversy

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of the imperial investiture the coronation of Henry III, as presented in the text. See Gregorovius, *Geschichte*, IV, who has given a detailed description.

CHAP. V  
A. D.  
1002-1125

tical offices had been either bestowed for services rendered to the King, or sold to the highest bidder. The investiture of the clergy with the ring and the staff — symbols of their spiritual authority — by temporal rulers had long been opposed by the brotherhood of Cluny. The moment seemed opportune to strike a decisive blow at the practice, although it was evident that a stout resistance was to be expected.

Henry IV, who had been crowned king in his infancy, entered upon his reign in the midst of faction, anarchy, turbulence, and rebellion in Germany. His struggle with the Saxons almost cost him his throne. Intelligent and ambitious, he was both violent and impolitic; and, relying upon the strong party anxious for reform, Gregory did not hesitate, in a synod held at Rome, in February, 1075, to issue decrees against the practice of lay investiture.<sup>1</sup> Whoever received from the hand of any lay person a bishopric or abbey, and whatever "emperor, king, duke, count, or any other lay person" bestowed investiture of an ecclesiastical dignity, was to be punished with excommunication.

Henry IV replied with an attempt to depose the Pope; for, to yield to this decree seemed to him the ruin of the whole system upon which the imperial power had been erected. A national council was called at Worms, in January, 1076, and a general assembly at Mainz, in June, by which, in the absence of many bishops and princes, the Pope was condemned. Henry accused Gregory of being "no pope, but a false monk"; and demanded that he abdicate the papal office. Gregory defended his excommunication of Henry in a letter addressed to the German magnates, and the defection from the King increased. In October, the princes took steps for electing another king; but Henry, proceeding with an army to Oppenheim, attempted to prevent the gathering of the assembly. Through the mediation

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<sup>1</sup> See also Gregory's letter of December, 1075, to Henry IV, in Henderson, *Select Documents*, pp. 367, 371; Henry's reply, pp. 372, 373, and following documents.



of his godfather, Hugh of Cluny, the King was prevailed upon, after it was evident that the assembly at Tribur would condemn him, to sign a convention at Oppenheim in which he promised "due obedience to the Apostolic See" and either to refute the charges against him or to do penance for them.<sup>1</sup> In an edict cancelling the sentence against Gregory VII, he exhorted those under the papal ban to strive to be solemnly absolved by "our master" Pope Gregory.

Practically suspended from his royal authority, the King withdrew to Speyer to await the arrival of the Pope, who was expected to come to Germany in the following February and preside over a tribunal by which he was to be judged. In the meantime, the magnates returned to their homes, resolved not to recognize Henry as king, if he did not free himself from the papal ban.

The humiliation of Henry

Seeing that his cause was hopeless in Germany, and that his overthrow would be final if Gregory came to judge him in his own realm, Henry undertook the wintry journey to Italy. Hesitating to resort to force, as he was urged to do by his followers in Lombardy, he resolved to throw himself upon the mercy of the Pope.

Gregory, fearing that Henry had come to Italy with hostile intentions, had taken up his residence in the mountain fortress of the Countess Matilda at Canossa. Proceeding thither in the garb of a pilgrim, the deposed monarch, on January 21, climbed the snowy heights of the mountain to seek absolution. "There," to use the language of Gregory's own letter to the German nobles, "having laid aside all the belongings of royalty, wretchedly, with bare feet and clad in wool, he continued for three days to stand before the gate of the castle. Nor did he desist from imploring with many tears the apostolic mercy until he had moved all of those who were present there . . . to such pity and depth of compassion that, interceding for him with many prayers and

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<sup>1</sup> For the "Convention of Oppenheim," see Henderson, *Select Documents*, p. 384.

CHAP. V  
A. D.  
1002-1125

tears, all wondered at the unaccustomed hardness of our heart." <sup>1</sup>

Finally, admitted to the presence of Gregory, through the supplications of those who were present, Henry fell at his feet, pleading for absolution.<sup>2</sup> Responding to his cry "Spare me, Holy Father, spare me!" Gregory raised him up, and after a formal acceptance of the conditions imposed, — which were confirmed by an oath and signed by witnesses, — absolution was given and the sacrament was administered. Without changing the situation of Henry with reference to his kingdom, the Pope sent him away pledged to submit to a trial by a tribunal composed of his German nobles under the presidency of the Pope. If found innocent, he was to be restored, after promising obedience to the Holy See.

The adminis-  
tration of  
Gregory

Raised thus to the highest pinnacle of power ever yet attained by any ecclesiastic, Gregory, in a systematic manner, diligently labored to give permanent solidity to his authority. To fortify his position in Italy, he allied himself closely to the College of Cardinals, which became his council, and whose members were called "the spiritual senators of the Universal Church."

In order to strengthen the power of Rome over the nations everywhere, the papal legates were clothed with a new dignity. Since the fourth century these envoys had played a considerable rôle in the direction of the Church,

<sup>1</sup> From Gregory's letter to the German princes concerning the penance of Henry IV at Canossa, 1077. Henderson, *Select Documents*, p. 386.

<sup>2</sup> The following Latin lines on the submission of Henry IV at Canossa are attributed to Donizzone:

"Ante dies septem quum finem Ianus haberet  
Ante suam faciem concessit papa venire  
Regem cum plantis nudis a frigore captis  
In cruce se jactans papae, saepissime clamans:  
Parce, beate pater, pie, parce mihi, peto, plane!  
Papa, videns flentem, miseratus ei, satis est, est."

Quoted by La Farina, *Storia d'Italia*, Florence, 1849, IV, p. 144.

convoking and presiding over local synods, and serving the Papacy as eyes and hands. But Gregory raised the rank and office of the legates, who became thenceforth essential organs of the papal government, like the *missi dominici* of Charles the Great, penetrating everywhere, superintending everything, deposing bishops, reforming discipline, imposing their will upon princes, and representing with full powers the papal authority. Whatever their personal rank in the ecclesiastical hierarchy, even though they were simple monks, by virtue of their apostolic representation they had precedence over the bishops, who were compelled to swear to honor and aid them; and dereliction in this regard was punished with the apostolic anathema.

While claiming these high privileges for the papal representatives, Gregory made no endeavor to suppress the synods and councils of the Church; which, on the contrary, he used as instruments to enforce his will against the refractory bishops. As money was necessary for the purpose of his government, he gave close attention to the finances of the Papacy, assuming a superior sovereignty over all Christian lands, whose princes were required to enforce contributions to the papal treasury. Nor was the legislation of the Church neglected, for it was under Gregory's orders that Anselm of Lucca made his compilation of the Canon Law, whose substance was so arranged as to emphasize the absolute power of the Papacy. Thus, without creating new institutions, Gregory absorbed all the controlling agencies of his time in his universal monarchy.

The penitence and humiliation of Henry at Canossa were far from ending the great struggle in which Christendom had been plunged. While it exposed the pitiable weakness of the German king, whose enemies had gained a dramatic triumph, and whose Lombard partisans were filled with disgust, the arrogance of the Pope awakened an undertone of resentment in the bosom of Henry's German supporters at the indignities heaped upon their king, and a more widespread distrust of the stern despotism of Gregory.

CHAP. V

A. D.

1002-1125

Civil war in  
Germany

## CHAP. V

A. D.  
1002-1125

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The German nobles held their diet at Forchheim in March, 1077, and, without the presence of either Henry, who appears to have been indisposed to meet the charges against him, or the Pope, who had been refused by Henry the safe conduct he had requested, it was determined to elect a new king. Duke Rudolf of Suabia was then chosen King of Germany, on condition that he renounce all hereditary claims to the throne and promise freedom in the election of bishops.

Henry, deeply resenting the action taken at Forchheim, hastened to Germany, which was at once plunged into civil war. The nobles and the Pope made repeated efforts to secure an armistice and to settle the question of the throne in a peaceable manner, but all endeavors proved ineffectual. In announcing the new sentence of excommunication hurled at Henry, Gregory wrote to the prelates: "So act that the world shall know that ye who have power to bind and loose in heaven, can grant or withhold kingdoms, principalities, and other possessions, according to each man's merits." Henry, on his part, was resolved to assert the power of the King over the Church, and demanded that the ban be placed upon Rudolf.

Embarrass-  
ment of  
Gregory

The Pope was now suddenly thrown into a state of indecision and alarm; for Henry not only cut off his passage to Germany, but prevented his return to Rome. Fearing to declare himself further against Henry, he hesitated to support the rebellion against him by confirming the election of Rudolf. Wavering for a moment as to which course he should pursue, he ordered his legates to sustain the rights of the prince who was ready to submit himself most completely to the Holy See.

The most important effect of Gregory's indecision was the loss of influence in Germany, for the ambiguity of his attitude left his followers there in doubt of their cause. They accused the Pope of being responsible for their action in choosing Rudolf, reminding him that it was by his counsel and for his sake that they had taken this bold step. The



peril in which they were placed was, indeed, extreme, since in the event of his final recognition by the Pope, for which the way had been opened, Henry would not fail to punish as rebels the followers of Rudolf. Complaining that the Pope was at the same time exhorting them to firmness in their opposition to Henry and endeavoring to obtain his obedience as the price of the papal favor, they expressed their inability to fathom a policy too refined for their minds to penetrate. So long as the Pope kept the rights of the two kings in suspense in order to secure the supremacy of the Holy See, Germany, they contended, would continue to suffer the horrors of the civil strife which Gregory had thus occasioned. When, therefore, in March, 1080, Henry's envoys were finally dismissed and Rudolf was confirmed as king, Gregory's cause had seriously suffered from his indecision.<sup>1</sup>

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<sup>1</sup> The terms of the letter of the Saxons of April, 1078, to Gregory VII are too piquant to be overlooked: "You know, and your letters are witnesses to it, that it is neither by our counsel nor for our interest, but for the injuries done to the Holy See that you have deposed our King, and you have forbidden us under the most terrible threats to recognize him as such. We have obeyed you at great peril, and this prince has exercised such cruelty that many, besides their worldly goods, have lost their lives and left their children in great poverty. The fruit of it that we have received is, that he who has been constrained to throw himself at your feet has been absolved without our advice, and has received liberty to annoy us. In the letter of absolution we have seen nothing which revokes the sentence depriving him of the kingdom, and we do not yet see that it can be revoked. After being more than a year without a king we have elected another, and when he began to revive our hopes we have been surprised to see in your letters that you name two kings, and send your legates to both. The division of the kingdom which you have made has also divided opinions, for it has been seen in your letters that the name of the prevaricator is always first, and that you ask safe conducts from him, as if he still remained in power. That which still troubles us is, that while you exhort us to remain firm in our enterprise, you also give hope to the opposing party; for the confidants of King Henry, although excommunicated with him, are favorably received when they come to Rome; and we are considered ridiculous when we wish to avoid those with whom you communicate. On the contrary, their faults are imputed to us, and we are regarded as negligent in not send-

## CHAP. V

A. D.

1002-1125

Henry's campaign against the Pope in Italy

In April, 1080, the bishops adhering to Henry's cause assembled at Bamberg and declared that they would no longer recognize Gregory. In the following May, a diet of princes assembled at Mainz made a similar declaration, and resolved upon the election of a new pope. In the meantime, the Countess Matilda had presented all her estates in Italy and in Lotharingia to the Pope, without reference to their feudal relation to the Empire, and the political character of the conflict was thereby strongly emphasized. The papal monarchy was assuming a more tangible form, and the Pope was claiming rights which had hitherto belonged only to the Emperor.

Italy, as well as Germany, was now divided between the Pope and Henry, and the agents of the King lost no time in fomenting further opposition to the papal pretensions in Lombardy and Tuscany. At Brixen, a synod of German and Italian bishops assembled in June, deposed Gregory, and chose Wibert, Bishop of Ravenna, as pope, under the name of Clement III.<sup>1</sup>

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ing oftener to Rome, although they, in violation of their oaths, prevent us. We believe that your intention is good, and that you act with subtle insight; but as we are too inept to penetrate your policy, we content ourselves with laying before you the sensible effects of this double procedure, namely, civil war, innumerable homicides, robberies, arson, the dissipation of ecclesiastical goods, and of the domain of the kings, in such fashion that in future they can live only by rapine; finally, the abolition of all laws, divine and human. These evils would not be, or would be lessened, if you were turned neither to the right nor to the left from your resolution. Your zeal has drawn you into a thorny path, where it is difficult to advance and shameful to recede. If you do not believe it prudent to resist in face of the enemies of the Church, at least do not destroy that which you have already done; for, if that which has been defined in a council at Rome and confirmed by a legate must count for nothing, we no longer know what to hold authentic."

On the criticism of Martens upon the Saxon Letters of Bruno, see Richter, *Annalen*, II, erste Hälfte, p. 276.

<sup>1</sup> For the "Decision of Brixen," see Henderson, *Select Documents*, pp. 391, 394.

Defeated in battle by Rudolf, in January, 1080, the ruin of Henry had seemed to be complete, but the tide had now turned in his favor. In Germany, a strong revulsion from Gregory had occurred; for he had not only inflicted upon the country the scourge of civil war, he was now claiming as his own fiefs of the Empire. The Lombards still cherished their old antagonism, and remembered with a sense of indignation the rigor with which they had been treated by the Pope. Even in Tuscany, opposition had arisen to the transfer of its territory to the absolute power of Rome. The death of Rudolf, in October, 1080, left Henry free to march into Italy, to install the newly chosen antipope, and to demand of him the imperial crown.

Gregory, in expectation of the coming storm, made haste to set his house in order. Left without defence, except from the forces of the Countess Matilda, he promptly sought to make peace with Robert Guiscard and form an alliance with him. The ban which had been pronounced against the Norman duke was now revoked, and Robert responded by taking an oath of allegiance to the Pope, promising to protect the papal possessions and support the canonical election of the Roman pontiffs.

In April, 1081, at the head of a German army, Henry appeared in Italy, to establish Clement III in Gregory's place. Entering the papal territory without opposition, he sent a manifesto to the Romans, declaring that he had not come with hostile intentions, and camped under the walls of Rome. The Romans, for the time, held loyally to Gregory; and it was only after the third attack that, in June, 1083, Henry at last succeeded in entering the city. In the last days of the blockade, the distress of the Romans had become so great that Gregory could only preserve the city from capitulation by distributing the gold sent to him by Robert Guiscard. Henry having taken possession of the Leonine quarter, Gregory sought refuge in the Castle of St. Angelo, while the chief Romans, including most of the old aristocratic families, held possession of other strongholds in the city.

CHAP. V  
A. D.  
1002-1125

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Henry's nego-  
tiations with  
the Romans

Divided between three fortified camps, Rome thus became once more the battlefield of the three parties which had so often convulsed it with their hostilities. Negotiations were, however, soon undertaken by representatives of the Romans, the Pope, and King Henry, resulting in a treaty in which the Pope promised to call a synod in the following November; while Henry took an oath not to hinder the free assembling of the bishops who were to decide the questions in dispute. In a secret article, the Romans bound themselves, within a fixed period, to procure the imperial crown from Gregory, if he should still be alive and at Rome; if not, to choose another pope who would confer the honor.

Having thus entrapped the Romans, Henry now withdrew from Rome with the greater part of his army, leaving only a small guard to secure his return when the stipulated period had elapsed.

In due time Gregory convoked the promised synod; but he naturally invited only those bishops whom he had not previously placed under the ban. The King, foreseeing that he would be condemned by an assembly composed exclusively of the Pope's adherents, now violated his oath, and prevented the journey of the bishops to Rome. When, therefore, the few bishops who were able to attend met in November, Gregory, deeply aroused, pronounced excommunication upon all who had hindered the free movements of his bishops, but no further action was taken.

Returning to Rome, to enforce the secret promise of the Romans, Henry found them exasperated with his perfidy. He had, however, the advantage of holding in his power the hostages whom they had permitted him to retain as a pledge of their good faith, and demanded the execution of their agreement. After a vain endeavor to evade their contract, by declaring that they had only promised the conferring of the crown, but without the papal consecration, — which they knew would be refused, — the Romans, fearing another siege, wavering in their loyalty to the Pope, and induced by the royal largesses of gold, invited Henry to enter the city, raise



his antipope, Clement III, to the Papacy, and receive his coronation.

CHAP. V  
A. D.  
1002-1125

Gregory VII was sorely crushed by the defection of the Romans, but bravely resolved to hold out to the bitter end. The King entered the city on March 21, 1084, while Gregory retreated once more to the strongly fortified Castle of St. Angelo, and his friends to other strongholds on the Palatine, Mount Coelius, the island of the Tiber, and the Capitol. A parliament of the Romans was convoked, and Gregory was invited to come forth from his retreat, with the declaration that, if he did not comply, Clement III would be recognized as pope. Gregory steadfastly held his ground, and Clement III was installed in the Lateran palace. On Easter Sunday, March 31, 1084, after some resistance by the adherents of Gregory, Henry was crowned by Clement III in St. Peter's Church. While the new emperor attempted to restore order in the city, the new pope, under his protection, surrounded himself with a new college of cardinals and named new papal officers. The German king had not only obtained the imperial crown against the opposition of the Pope, he had created and installed a new head of the Church Universal who was obedient to his will.

The coronation and triumph of Henry IV

But the work of force was not yet complete. The next task was to dislodge the adherents of Gregory from their strongholds. The Septizonium of Severus had been converted into a fortress by the monks, and Rusticus, a nephew of Gregory VII, held possession with a band of the faithful; but its walls were pierced and its splendid columns overthrown with battering machines, leaving this magnificent monument of antiquity in ruins. The bridges held by the followers of Gregory were soon captured; and the Capitol, where the numerous and powerful family of the Corsi had their palaces, was stormed, after which their houses were demolished and burned.

Only the great mausoleum where Gregory had taken refuge with his closest friends now remained to dispute Henry's mastery of Rome. Here, defiant as a lion in his lair, the

The deliverance of Gregory VII

CHAP. V  
A. D.  
1002-1125

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resolute pontiff sent up his prayers for deliverance. A hurrying monk bore to Robert Guiscard a vigorous appeal to come at once to the Pope's rescue. No argument was necessary, for the triumph of Henry meant the attempt to expel the Normans from Italy. Early in May, at the head of six thousand horsemen and thirty thousand foot soldiers, Guiscard approached Rome, and his march was soon known by both Pope and Emperor. Henry quailed before the approaching storm. Calling a parliament of the Romans, he explained that important business required his attention in Lombardy, exhorted the city to resistance, promised an early return, and, accompanied by Clement III, on May 21, abandoning Rome to its fate, marched northward to Germany.

Three days later the Norman army, with a large contingent of Saracens, encamped before the walls of Rome, and soon entered the city. Resistance was offered, but it was unavailing. Gregory VII, emerging from his prison fortress to embrace his deliverer, beheld the city plunged in a baptism of blood and devastation. A last effort of the imperial party only maddened the invaders and provoked their rapine. Abandoned by the Emperor, Rome was now rifled by the Normans and Saracens. If Gregory, as reported by certain historians, did by his interposition save the city from complete destruction, he did not preserve it from a terrible retribution of fire and sword.

The death of  
Gregory VII

The calamity which had befallen Rome involved the exile of Gregory VII, now hated by the Romans as the cause of their misfortunes, and he followed his liberator to Salerno. There, on May 25, 1085, he ended his career, which he summed up in the words, "I have always loved justice and hated iniquity, therefore I die in exile." Personally, a humble-minded and self-sacrificing man, the cause to which he had consecrated his existence and the conception he entertained of his high office filled him with a spirit of more than imperial arrogance; but it was not his personal egoism that spoke in his large pretensions for the Papacy; it was to him the majesty of divine law, uttered in the name of

righteousness by the lips of Heaven's high priest. By virtue of his absolute devotion to a great cause, which he identified with the reformation of human society, not less than by his heroic character, he will always stand out as one of the great figures of history.

CHAP. V  
A. D.  
1002-1125

But the attention of Gregory was not confined to his relations with Henry, whom he treated merely as a rebellious German king. He claimed in distinct terms all Christian countries as the rightful possessions of St. Peter. He was in frequent correspondence with all the monarchs of Europe, and his legates were sent wherever the interests of the Papacy seemed to demand their presence. The Count of Roncey, in Spain, having recognized his vassalage to the Pope, in April, 1073, Gregory wrote to the nobles who went to seek their fortunes there, that Spain had always belonged to St. Peter, and forbade them to make conquests from the Arabs without recognizing the rights of the Holy See.

The extent  
of Gregory's  
pretensions

In France, the conduct of Philip I, who insisted upon his rights of investiture, gave great anxiety to Gregory, who denounced him as a "rapacious wolf," and threatened him with excommunication. Philip, on his side, accused the Pope of wishing to strip him of his bishoprics, which he regarded as a part of his royal property.

In England, William the Conqueror had been strongly supported by Hildebrand at the time of the conquest; and, having become pope, Gregory demanded, not merely as a token of gratitude, but in the name of St. Peter, an act of solemn submission to the Apostolic See. William gladly accepted alliance with the Papacy, and paid the "Peter's pence" assessed upon his kingdom, but steadily declined to become a formal vassal of the Pope.

In Eastern Europe, Gregory made similar demands, and with more success. In 1074, he laid claim to Hungary, supporting his position by the earlier vassalage of St. Stephen. Dalmatia was detached from its dependence upon the Greek Empire by the efforts of his legates, and the Croatian king, Zvonimir, in 1076, vowed submission to the Pope. In Poland,

CHAP. V  
A. D.  
1002-1125

The breadth  
of Gregory's  
policy

and even in Russia, he made his authority felt, excommunicating the Polish king, Boleslav II, for the murder of a bishop, and granting to Isiaslav, pretender to the throne of Kiev, the right to rule in the name of St. Peter.

The plans of Gregory were as broad as his pretensions. As early as 1074, he not only contemplated the rescue of Constantinople from the assaults of the Saracens, which Sylvester II had once suggested, but announced to Henry IV, before his rupture with him, that he was ready to aid the Greeks in attempting to deliver the Holy Sepulchre from the hands of the Infidel,—a project soon to take practical shape in the Crusades and to become an important element of papal policy. Although these premonitions of world-wide enterprise may have been, as some historians have considered them, mere fugitive ideas, they display the comprehensive character of Gregory's thought. His wish to effect a reconciliation with the Eastern Empire, and to sustain it in its struggle with the Saracens, reveals a breadth of statesmanship possessed by no contemporary; and if this idea could, at that time, have been carried into execution, it would have deeply affected the history of the world.

The fall of  
Henry IV

Although the life of Gregory VII ended in exile and disaster, Henry was not long triumphant. While his antipopes had little influence, the keen statesmanship of Pope Urban II, pursuing the policy of Gregory, slowly wove about the unhappy emperor the web of ultimate defeat. Constantly unsettled in Germany by the influence of the papal legates, in Italy his authority was rendered wholly ineffectual. By promoting a marriage between the Countess Matilda and the young son of Henry's most powerful enemy, Welf, Duke of Bavaria, Urban struck an effective blow at the imperial prestige.

Forced by this move to make a campaign in Italy when all his energies were needed in Germany, Henry, although at first successful in the field, was defeated at Canossa,—the scene of his former humiliation,—and driven across the Po by the army of the Countess, while a strong Welf oppo-



sition was directed against him north of the Alps. At the same time, Urban II detached Henry's son Conrad, who had been crowned as his successor, from his father's cause, and placed him at the head of a well organized revolt in Lombardy.

CHAP. V  
A. D.  
1002-1125

To crown these misfortunes, Henry's Russian wife, Praxedis, having escaped from the prison in which the King had confined her, was brought for asylum to the Countess Matilda, where she greatly injured the Emperor's reputation as a man by publicly recounting the story of the cruelties she had endured. Finally, a younger son, Henry, who had been crowned at Aachen, after the deposition of Conrad, abandoned his father's cause and went over to the Pope. Humbled before his perfidious child at Coblenz, as he had been before Gregory at Canossa, Henry IV was sent to prison, whence he was dragged before the papal legate to confess his faults, and forced to abdicate. After a last feverish effort to regain his power, he died at Liège, on August 7, 1106, under the papal anathema.

While Urban did not live to witness the fall of the emperor he had done so much to destroy, he inaugurated a movement which was for generations to absorb a great part of the thought and energy of Europe, and almost to obscure the bitter struggle between the Papacy and the Empire. In long journeys, which recall those of Leo IX, he appealed to that nascent public opinion which was beginning to be formed in Europe regarding the claims of the Papacy. Knowing how much the lesser nobles had suffered from their lords, it was a brilliant stroke of policy which Urban conceived when in his public discourses he opposed to the reign of force the reign of great ideals, of which he made the Holy See the friend and champion. At a synod held at Piacenza, the fulminations against simony and clerical marriage were renewed. In the midst of the session, ambassadors were received from the Emperor of the East, beseeching aid in resisting the encroachments of the Saracens. Believing the opportunity was at hand to unite the whole of Europe under the leadership

The work of  
Urban II

CHAP. V  
A. D.  
1002-1125

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of the papal monarchy by a war on the common enemy, at a synod held at Clermont, in Auvergne, in November, 1095, Urban proclaimed the first Crusade.

In its efforts for reform, the Council of Clermont rose to a height of moral dignity which promised the entire purification of the Church, but by a strange fatality precipitated a movement which was to change the character of Christendom. At a moment of spiritual exaltation, Peter the Hermit, having returned from a pilgrimage to Jerusalem, swept the vast assembly at Clermont with a flood of fiery eloquence, in which he depicted the outrages to which the Holy Places had been subjected by the Saracens. The Council had reaffirmed and extended the Truce of God, but the militant spirit of the age found a new channel in the war which the Pope himself now began to preach against the infidels. "If, in the general joy which I see in all parts of this great and illustrious assembly," he cried, "you behold in my visage the marks of inexpressible sadness, do not be astonished, my venerable brothers, when you consider that, after all we have done to assuage our woes, we have neglected to apply a remedy to the greatest evil with which we are afflicted. In truth, we have enfeebled schism, disarmed heresy, reformed abuses, and restored to the Church the possession of lost rights; but the means of enjoying all these benefits are denied us so long as we have pitiless foes who dishonor, outrage, and tyrannize over us. Yes, my brothers, the Holy Land, the City of God, the heritage of Jesus Christ, which he left to his children after having rescued it from the hands of Pagans and Jews; that admirable centre of the earth where the Saviour of the World wrought the miracle of salvation, which we may call the heart of Christianity, has been for centuries occupied by infidels, by the Saracens, by the Turks, whose insolence we permit to triumph, if I may dare to say it, over Jesus Christ himself, whom they have driven from the capital of his empire, there to establish their cruel tyranny upon the ruins of so many sacred monuments of his victories . . . In the meantime, the Christians of the

Occident, of whom a single nation could liberate the Orient from that shameful tyranny, coldly regard without compassion the oppression of our brothers; and, as if they had no part in that injury which these barbarians inflict on Jesus Christ, whose invaded heritage belongs only to his children, they suffer them peaceably to enjoy that shameless conquest, reposing in a cowardly indifference without daring to resort to arms. Without daring to resort to arms, do I say, when all Europe is engaged in mutual destruction, employing against one another the weapons, red with the blood of brothers, which might exterminate the enemies of Christ? . . . A single one of our kingdoms could easily annihilate these barbarians. What, then, if they were united in this glorious enterprise? . . . The captive Saviour extends to you his cross! It is that holy cross which he holds up before all the Christians of the Occident as the standard under which they cannot fail to conquer and win immortal glory, whether they return from the holy war laden with the spoil of the Infidel, or pour out their blood in a glorious death for love of him who will bestow a martyr's crown. Moreover, if the Church . . ."<sup>1</sup>

But the Pope was interrupted by the cries of the weeping multitude, from whose lips rose the response, "*God wills it!*" Adroitly interpreting the spontaneous expression of the assembly as a sign of divine inspiration, he appealed to those present to organize the army of the cross. Aymar of Monteil, Bishop of Puy, demanded in the presence of the Council permission to be the first to enlist in this sacred cause. The remission of sins was granted to volunteers, and the Bishop of Puy was appointed Apostolic Legate during the expedition.

No European monarch was disposed at that time to undertake a foreign war in the interest of Christendom, and the Emperor had disqualified himself for this high duty, which naturally belonged to the imperial office. The fact that the Papacy was ready to assume the leadership of this movement

The first  
Crusade

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<sup>1</sup> See Labbe, *Collection des Conciles*, Paris, 1674, X, p. 515.

CHAP. V  
A. D.  
1002-1125

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not only made the Pope the central figure in a great contest, but gave to the papal monarchy a new semblance of power and universality. Pilgrinages to the holy places had long been the highest expression of religious zeal, and now that these objects of reverence were in danger, the soul of Europe was deeply stirred. Kings might withhold their support, but their indifference only rendered more conspicuous the position of the Pope as the head of Christendom; while among the nobility of the time, anxious for pious adventure, it was not difficult to form a great army of brave knights ready to march under the direct orders of their chief.

When, therefore, in September, 1096, Urban returned to Italy, he was accompanied by bands of crusaders hurrying on their way. Princes of the Empire and dukes and counts of France and Burgundy soon led their armed retainers to the holy war. Rome gladly opened her gates to the Holy Pontiff, no longer a homeless wanderer; for the papal monarchy had made a long stride toward the realization of its power, with an army already in the field. By awakening a thrill of sympathy, it had called to life a new constituency. Europe, touched at the heart, as it had not been for centuries, looked toward Rome with a new reverence and a new loyalty.

The papal army, gathered from every part of Europe where princes could be found ready to lead the motley host, is believed to have numbered six hundred thousand persons and a hundred thousand men in armor. In this great mass of humanity there was no distinction of age, condition, or even of sex; for women, with the intrepidity of Amazons, marched with the army toward the East. Every class of society was represented. Ecclesiastics of every rank, princes, knights, and people of every description, — chaste and incestuous, thieves, renegades, and murderers, — mingled with saints and enthusiasts, hoping for the pardon of sin or seeking escape from legal punishment. In this swollen stream of humanity, unorganized and undisciplined, crime jostled penitence and vice followed in the steps of virtue. Where



devotion did not inspire as an impulse, it masqueraded as an excuse; and plenary indulgence dissolved all moral distinctions in the one merit of holy service.

CHAP. V  
A. D.  
1002-1125

The path of this human avalanche was strewn with rapine. Houses, and even churches, were sacked and burned. Women and children were ruthlessly slain, and the unchaste relations of the camp were transformed into deeds of horror in the prosecution of the campaign. All the rude instincts which Christianity had endeavored to chasten now seemed to enjoy the divine approval when directed against the enemies of the Church; and the cross, which had been the symbol of redemption, became in all the East the sign of bloodshed and of terror.

The Eastern Emperor, alarmed at the sudden appearance of an armed multitude upon his frontiers, suspected treacherous designs upon his dominions; but, reassured by the solemn oaths of the leaders, he allowed the crusaders to pass into Asia. It was a signal triumph for the Papacy that, on July 15, 1099,—just two weeks before Urban's sudden death,—Jerusalem was taken, after a terrific assault, the Holy Sepulchre rescued from the hands of the infidels, and the Latin kingdom of Jerusalem begun.

The question of lay investiture, which Gregory had not been able to terminate by the violence of his anathemas, was only postponed by the strategies of Urban. Henry V, having succeeded his father as King of Germany, and having carried on successful wars with Hungary, Poland, and Bohemia, in 1110 reasserted his rights of investiture, and in the following year proceeded to Rome to wring from the new pope, Paschal II, the concession of his claims.

The trans-  
action of  
Paschal II

This well-meaning but timid pontiff had renewed the prohibition of lay investiture by a council held in the Lateran, and had endeavored to insure his safety by a new alliance with the Normans and by obtaining from the Romans a solemn promise to defend him; but the appearance of Henry V in Italy placed him in a most difficult position. Although Henry carried in his train "men of letters able to

CHAP. V  
A. D.  
1002-1125

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give reasons to all comers," the vigor and determination with which he had mastered the situation in Germany and his conduct on his line of march filled Italy with terror.

Encamped at Sutri, Henry, after the usual assurance of good intentions, opened negotiations with the Pope for the settlement of the differences between them and for the imperial coronation. The Holy Father, determined to defend the spiritual rights of the Church, whose freedom and purity were imperilled by lay investiture, resolved to make a great sacrifice, and proposed a complete separation of the temporal and ecclesiastical functions. The bishops were to surrender their feudal rights, with all their temporal properties and prerogatives, while the King was to renounce his claim to lay investiture and accord entire freedom to the Church under the jurisdiction of the Pope. The Holy See was, however, to retain its temporalities, which were to be confirmed anew by Henry on becoming emperor.

The offer was a seductive one, for it not only promised to increase immensely the power of the King by placing at his immediate disposal nearly half the fiefs of his kingdom, but to secure for him the imperial crown on terms of peace with the Papacy. But Henry had the foresight to perceive that such a general and sweeping surrender of their wealth and power might not be tamely accepted by the prelates, many of whom held offices in the Church solely because of the emoluments which the great fiefs afforded. This, however, was not a sufficient reason for his refusing the offer which the Pope had made; for, in case the prelates revolted against the terms proposed, the way would be open for another form of settlement; while, if they accepted them, it would be greatly to his advantage.

Two conventions were, therefore, prepared, — one containing the King's renunciation of his rights of investiture, the other the surrender to the King of the royal fiefs by the papal decree. After the exchange of these documents, Henry was to come to Rome and receive his coronation.

Elaborate precautions were taken to secure the life and

freedom of the Pope and also the proper bestowment of the crown. So suspicious of each other were the papal and royal mediators, that twelve princes bound themselves by an oath that all the terms agreed upon should be observed by the King, and for this they made themselves personally responsible to the Pope and the Roman Church. The treaty having then been ratified by the King under oath, on February 9, he "joyfully" approached the city; and, two days later, his army encamped on Monte Mario. Here hostages were exchanged, and another oath was taken to respect the laws of Rome.

On Sunday, February 12, 1111, Henry entered the city and proceeded, with the usual ceremonies, to St. Peter's Church, where the solemnities of the coronation were begun. When the compact between the Pope and the King was read, and the great surrender justified on the ground that temporal power was incompatible with the spiritual duties of the clergy, a fierce tumult burst out, the coronation was suspended, and the whole city was thrown into commotion.<sup>1</sup> Prelates of all parties united in a general protest against the action of the Pope in sacrificing their temporal rights, and the illogical compact by which he had preserved his own.

The coronation of Henry V

The scene which ensued presented a sinister commentary on the real character of the Holy Roman Empire of the German Nation. As by a flash of lightning, the hollowness of the Empire, the corruption of the Church, and the weakness of the Papacy were revealed in all their nakedness. There, on the *rota porphyretica*, each with his concession in his hand, stood the King and the Pope, the one representing the exigencies of an empire built up by trading in the offices of the Church, the other striving to maintain the spiritual rights of religion by a reform which proved chimerical, while the angry prelates, refusing to be stripped of their worldly honors and riches, raised their voices with indignant protest.

<sup>1</sup> See "Paschal's Privilege of the First Convention," of February 12, 1111, in Henderson, *Select Documents*, pp. 405, 407.

## CHAP. V

A. D.

1002-1125

Believing himself the victim of a plot to divest him of the right of investiture without the renunciation of their fiefs by the bishops, the King explained that it was not he, but the Pope, who had proposed to strip the clergy of their worldly goods. The nobles and prelates broke into a loud clamor, while the King demanded the crown and the Pope refused it. An armed knight sprang up in anger with the cry, "What is the need of so many words? My lord wishes to be crowned, as Lewis and Charles were, without further parley!"

The more timid cardinals suggested that the crown be given and the concordat arranged afterward. But the noisy prelates would not listen to further discussion of the treaty. The darkness of evening was falling within the cathedral. In the light of the candles on the high altar, gleaming with gold and precious stones, drawn swords and daggers began to flash. Soon the clash of arms and cries for help arose. In the midst of this turmoil, Henry, determined not to lose his prize, made prisoners of the Pope and the cardinals, who were hustled away to a building near by, where they were confined, while the frightened crowd fled from the church in the midst of blows, insults, and robbery, even the vessels of the sanctuary being among the booty of the mob.

The extortion of the crown by Henry V

The tragic scene in St. Peter's, followed by the imprisonment of the Pope and the cardinals, stirred the indignation of Rome to its lowest depths. The whole population rose as one man to rescue the prisoners. The King, half dressed and barefooted, with difficulty mounted his horse and made his escape from the city to his camp; where, after having slain five Romans on his way, he arrived bleeding from many wounds.

Unable to resist the onslaught of the Romans, Henry retreated with his captives to a camp near Tivoli. After an imprisonment of nearly two months, the cardinals, seeing no escape from the King's demands, with tears besought the Pope to yield. A new convention, whose terms were dictated by their captor, was then signed, by which Henry was ac-



corded the imperial crown and the right of investiture.<sup>1</sup> After renewed vows and the delivery of hostages, Henry entered Rome with his captives, amid the suppressed curses of the population, whose forbearance was secured only by solicitude for the persons of the Pope and the cardinals.

Henry had demanded that the new compact be put into his hands before his entrance into Rome; but on April 13, in the midst of the ceremonies of coronation in St. Peter's, he handed the document to the Pope, in order to prove by its immediate return the voluntary character of the papal act! But no one was deceived by such a transparent subterfuge; for, notwithstanding the words of the treaty, which declared that the "divine majesty" had brought the Pope's "most beloved son Henry, glorious King of the Germans, to the dignity of the crown and the Empire," it was well understood that all had been done under compulsion. The coronation was reduced to the most hasty formality, in which the Romans took no part. When the act had been performed, Paschal was welcomed by the people as one rescued from the grave, while Henry hastened back to Germany with the crown and the benediction extorted from the reluctant pontiff.

Although it appeared in Germany that the newly crowned emperor had won a great victory, his triumph was of short duration. He had left Italy bitterly aroused against him, and the influential prelates of the Church made haste to reaffirm the doctrines which Gregory VII had formulated with such force and clearness. Returning to the proscription of lay investiture, they openly repudiated the compact forced upon Paschal, procured the convocation of a synod in the Lateran, in March, 1112, and the Pope having confessed his adhesion to the principles laid down by Gregory VII and Urban II, the concessions made to Henry V were declared null and void, because they had been extorted by violence.

CHAP. V  
A. D.  
1002-1125

Paschal's repudiation of his compact

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<sup>1</sup> See "Paschal's Privilege of the Second Convention," of April 12, 1111, in Henderson, *Select Documents*, pp. 407, 408.

CHAP. V  
A. D  
1002-1125

This action rekindled the opposition to Henry in Germany, where conspiracies were formed against him; while Cardinal Dietrich, the papal legate, traversed the country repeating the anathemas now pronounced upon the Emperor at Rome.

In two visits to Italy, Henry attempted to conciliate the Romans by bribes and promises, but his efforts were in vain. Paschal, fearing to trust himself in his presence, fled at his approach; and Paschal's successor, Gelasius II, took the same precaution. Driven from Rome by his distrust of the Emperor, — his sworn protector, — Gelasius sought refuge in France, where he was surrounded with honor and reverence. Overborne by the griefs and misfortunes of his short pontificate, he died in January, 1119, at Cluny, the home of that reform movement of which he was the last unhappy martyr.

The diplo-  
macy of Ca-  
lixtus II

Although the investiture controversy involved intrinsic difficulties, it was not a hopeless problem when submitted to rational analysis. Unhappily, this had not been done, each side seeing only its own right, which was obvious enough; for the spiritual powers of the bishops clearly belonged to the Church, while the feudal rights as clearly pertained to the Empire. It is, perhaps, easy to say at this day, that Paschal had adopted the true solution, namely, the total renunciation of temporalities by the clergy and the entire separation of the spiritual and the secular powers; but to that age this solution seemed impossible. The evils which had been introduced by the system of Otto I in substituting ecclesiastics for the ancient secular nobility, in order to centralize the power in his own hands, were now deeply imbedded in the constitution of Germany, and it was impossible to uproot them. There remained, however, a basis of peace by a just distribution of the papal and imperial powers. It was reserved for Calixtus II, a devoted disciple of Cluny and a kinsman of the high nobility, to perceive and utilize this opportunity.

With statesmanlike insight into the conditions of the dispute, Calixtus resolved to settle it definitively by a fair exam-

ination of its merits and a reasonable compromise. Weary of the long and unfruitful struggle, Henry V was not indisposed to negotiate. Choosing as his representatives a famous scholar, William of Champeaux, and the Abbot of Cluny, who met the Emperor at Strasburg, Calixtus endeavored to convince him that the prerogatives for which he had so bitterly contended were really of no value to him, since other sovereigns were able to govern their realms without investing the clergy with their spiritual powers, which were properly conferred by the Church. Admitting, on the other hand, that, as feudatories of the Empire, the bishops should acknowledge and perform their feudal duties in like manner with the other nobles, it was proposed that a convention be signed by the Pope and the Emperor terminating the controversy on this basis.

The conciliatory spirit in which the negotiations with the Emperor had been conducted promised a speedy settlement, and Calixtus, who had called a council at Reims, in October, 1119, expected to meet the Emperor in the castle of the Archbishop and conclude the longed for peace; but petty disagreements over the details of the meeting prevented the interview, and Calixtus, filled with chagrin and greatly discouraged, returned to the council, which solemnly excommunicated the Emperor and his antipope, whom he had set up under the name of Gregory VIII.

For a time, all seemed lost; but a new and potent influence had entered into action,—men had begun to think. The great conflict between the Empire and the Papacy, so profoundly touching the lives and interests of nearly all Europe, had stirred the mind to new activity. The schools, the monasteries, the cities, all the centres where thought is excited by great events, began to cast their influence into the quarrel, which had hitherto been chiefly one of brute force on the one side and the fulmination of anathemas on the other. It was the beginning of that twelfth-century *renaissance* which was to bring the great universities into being and apply the intelligence that scholasticism was training by the subtleties

The intellectual  
*renaissance*

CHAP. V  
A. D.  
1002-1125

of its disputes to the more real and fruitful questions of human life.

In no respect was this new tendency so marked as in the study of the law. The conflict between the Empire and the Papacy involved the collision of the two great legal systems which pertained to them,—the Civil Law of Rome, which furnished the legal weapons for defending the imperial power; and the Canon Law, which had grown up in the practice of the ecclesiastical courts and supplied a vast armory for the defence of the rights exercised by the clergy. Schools of law had long existed at Pavia, Ravenna, and probably at Rome, but the foundation of the school at Bologna, early in the twelfth century, marks a new period in the development of juristic study. Its celebrated master, Irnerius, was successively engaged on both sides of the investiture controversy, and the interest awakened in the legal questions now thrust upon the attention of thoughtful men drew multitudes of students from every part of Europe to hear the famous teachers of Bologna. At the same time, the canonists were busy with their task of strengthening the legal foundation of the papal monarchy, as shown in the works of Ivo of Chartres and Gratian of Bologna.

The Concor-  
dat of Worms

Under the combined pressure of the conciliatory endeavors of Calixtus, the hostility of the Church, and the growing sentiment that reason rather than force was the proper court of appeal in the settlement of the dispute, Henry at last yielded to the proposition to refer the question to a German council under the presidency of the Pope.

Accordingly, on September 8, 1122, a council met at Worms. The Pope sent to represent him Lambert, Bishop of Ostia, who had studied in both of the rival schools at Bologna, and had fully acquainted himself with the arguments used by the Civilians and the Canonists in defending their respective views. It was a happy selection, for his learning enabled him to conciliate both sides; and, although the Emperor was obstinate, he was at last compelled to yield to the force of reason and argument. On September 23, only two



weeks after the council had met, the Concordat of Worms was formally ratified, and the fierce strife which had embittered half a century was ended by a few simple sentences.<sup>1</sup>

Although the Concordat conceded to the Emperor practically everything of value he had contended for, it impressed Europe as a glorious triumph for the Papacy, which had succeeded in conserving the spiritual rights of the Church against the power of the Emperor. Henceforth, the ideals and policy of Hildebrand were to be the accepted standards of the papal monarchy. At Henry's death, in 1125, it was evident that the Empire had sustained immense losses in the struggle. The feudal barons had attained a degree of independence which left the imperial authority greatly reduced; German influence over the kingdoms which were consolidating in the East — Poland, Bohemia, and Hungary — was much impaired; while in Italy the firm establishment of the Normans and the development of the municipalities of the North rendered imperial control more difficult than before.

The renewed bequest of all her vast possessions to the Papacy by the Countess Matilda, upon her death in 1115, if it had been carried into effect, would have elevated the Holy See to the place of the most powerful temporal ruler in Italy; but Henry had hastened over the Alps to prevent this result by laying claim to the fiefs of the Empire which she had held. The questions raised involved legal principles that engaged the jurists of the time in warm disputes; while the Emperor, only by according to the cities concessions and privileges which the Countess had refused to grant, was able to retain them for a time as fiefs of the Empire. Thus was opened between the Empire and the Papacy a great debatable land whose jurists and diplomatists, by appealing from one to the other, were able to establish the local liberties of the cities against the exactions of both, and to create a new

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<sup>1</sup> For the articles composing the "Concordat of Worms," see Henderson, *Select Documents*, pp. 408, 409.

CHAP. V  
A. D.  
1002-1125

era in the conflict between them, in which diplomacy was to acquire a greater importance and assume a more definite organization.

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## CHAPTER VI

### THE AWAKENING OF CIVIC CONSCIOUSNESS IN ITALY

The transitional character of the twelfth century

MORE than any other event of the Middle Ages, the contest between the Empire and the Papacy created an agitation of the human mind. For centuries, men had humbly bowed in reverence before the imperial idea, and papal authority had accorded well with the conceptions of the time. The Holy Roman Empire, embodying in one harmonious system of universal authority this twofold claim to obedience, had seemed to admit neither of revolt nor of discussion. But when the rift in that system widened to an open breach, and the Empire and the Papacy were revealed in a relation of hostility, thought was awakened from its mediaeval dream, and each of the great antagonists became the representative of a group of partisans in whose opposition was engendered a conflict of ideas far more general than the interests immediately involved.

Not only in law and jurisprudence but in the realm of faith and doctrine, was this awakening felt. The pious scholasticism of Anselm and the staid dialectic of William of Champeaux were superseded by the daring analysis of Roscelin and the keen scepticism of Abelard. But the commotion of ideas was not confined to the schools of law and philosophy. The rationalism of Abelard stirred the mind of the people also, and through the influence of his pupil, Arnold of Brescia, made itself felt in the new conceptions of civic life and even in the field of practical politics. The Church itself was profoundly disturbed, and while Peter de Bruys denounced the sacerdotal system, and Peter Valdez and his "Poor Men of Lyons" spread their heretical doctrines over nearly every part of Western Europe, giving birth to



those sects of religious enthusiasts who were to be the precursors of the Protestant Reformation, the faithful rallied to the defence of the papal system, renovating the monasteries, establishing new orders, reforming the clergy, and striving to attain the spiritual ideals which the quickening of thought had generated. All these movements combine to impart to the twelfth century a new human interest; for they mark the re-entrance of human personality, so long repressed, upon the scene of public action. Henceforth, history is no longer confined to the proceedings of the Empire and the Papacy; the thinker, the citizen, the artist, the statesman, and the diplomatist begin to stand out from the uniform mass of voiceless humanity and to take a part in the formation of events.

CHAP. VI  
A. D.  
1125-1190

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## I. THE EMANCIPATION OF THE ITALIAN CITIES

Originally a system of city-states, Italy had never been effectively united except under the Roman Republic and Empire. With farsighted wisdom, the Republic did not follow its military conquests with the destruction of the municipal liberties; but, on the contrary, it supplemented the ancient freedom with the advantages of peace and profitable intercourse. But under the later Empire, when the expenses of the state became oppressive, it was the cities which felt the burden and were borne down beneath its weight. Overwhelmed with taxes, the *decuriones*, or *curiales* as they were later called, — the effective middle class of property holders, — were doomed to a bondage from which their nominal liberties afforded them no relief. Below them, were the slaves and the poor plebeians who could not be taxed because they possessed nothing with which to pay. Above them, stood the privileged classes, exempted from taxation by the favor of the state. Upon the *curiales*, therefore, rested the whole weight of the Empire.

The cities  
under the Ro-  
man Empire

Instead of cultivating and encouraging this vital middle class, the imperial policy reduced it to ruin and desperation. Discouraged and oppressed, the members of the municipalities

## CHAP. VI

A. D.  
1125-1190

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endeavored to escape their burdens by the surrender of their rights; but the stern hand of the imperial government forced them back to their servitude. Membership in the order of citizens (*ordo decurionum*) at last became so obnoxious that exemption was considered as a privilege; for these unfortunates were held personally responsible for the payment of the taxes assessed by the imperial government. Without the permission of the imperial governor, they could neither sell their properties nor even absent themselves from the city; and thus the class of citizens became veritable prisoners of the state, whose condition was like that of serfs. Citizenship, therefore, became a badge of infamy; and a condition of public affairs was reached in which criminals were punished by being condemned to assume the duties of citizens.

To escape these odious obligations, the citizen class resorted to every subterfuge. Many entered the ranks of the clergy, some sought refuge in military service, and others preferred to avert their fate by descending to the class of slaves. But these expedients often proved inefficacious and the refugee was rudely returned to his place. Even the offer to abandon all to the imperial government proved unavailing, for the state could not manage its properties without men to exploit them. Thus, when the barbarian kingdoms rose on the ruins of the Empire, the municipalities had degenerated into mere mechanisms for the replenishment of the public treasury, and political life was absolutely extinct.

The Christian  
communities

In the midst of this general extinction of public life, a new form of social existence came into being. Divested of the prerogatives of citizenship here below, men instinctively sought refuge in that "City of God" whose glories were set forth by the fervid imagination of St. Augustine. Side by side with the municipality, and within the same limits of space, grew up the Christian community, or parish of the Church, presided over by pastors and bishops, around whose beneficent leadership were insensibly gathered all the vital forces of the time. The purely political authorities, weakened and disheartened, made no resistance to this inevitable

transfer of influence and authority. When enemies appeared at the gate, it was no longer the magistrates, chosen by the class of *curiales*, but the bishop, elected by the entire community, who became the "Defender of the City" (*defensor civitatis*).

Under the barbarian rulers, — Odoacer, Theodoric, and the Lombard kings, — the municipalities, as political corporations, tended more and more to become effaced, and the bishops alone were left to divide authority with the ducal lords who, as conquerors, took possession of the land. Precisely to what extent the municipal laws ceased to be operative, is a subject of controversy into which we cannot enter here; but the simple fact that during the Lombard occupation the Roman municipalities are not even mentioned, goes far toward refuting the thesis of Savigny, that municipal life and Roman law were absolutely continuous throughout the Middle Ages, and supports the contention of his critics that both were, for a time, entirely extinguished.<sup>1</sup>

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<sup>1</sup> In his *Geschichte des römischen Rechts im Mittelalter*, Savigny attempted to prove the continuity of Roman law in Italy during the Middle Ages, maintaining that the ancient municipal liberties of the Romans were never completely lost. This thesis was soon controverted by Leo, Bethmann-Hollweg, C. Hegel, and others, who claimed that the Italian communes took their rise from an entirely different cause, Germanic rather than Roman. The Italians participated in the controversy and two opposing schools were formed in Italy. The question was soon involved in current politics, one party defending the Lombards, who, it was said, might have united Italy into a great kingdom in the ninth century if it had not been for the Papacy. Another, regarding the Papacy as the saviour of Italy, maintained that, by calling in the Franks, the Pope had rescued Italy from destruction by the barbarians. "Throughout this controversy," says Villari, "learning was always subordinated to political aims, although the disputants may not have been always aware of it; and historic truth and serenity consequently suffered unavoidable hurt."

The truth seems to be, that during the Lombard domination the Lombard laws superseded the Roman, except in the few cities that continued to be subject to the Byzantine Empire; and that the ancient Roman laws were revived and became once more operative in the period of local liberty that followed the contest between the Empire and the Papacy.

## CHAP. VI

A. D.  
1125-1190Effects of  
the Lombard  
conquest

Not only the life of the municipalities, but even the episcopal authority, received a deadly blow from the Lombard conquest. The most rude and destructive of the Germanic invaders of Italy, the Lombards swept away with a ruthless hand every vestige of the old civilization which Odoacer and Theodoric had wisely spared. Multitudes of inhabitants fled in precipitation from the stricken land, leaving all their possessions behind them, and great numbers of those who remained were mercilessly put to the sword. The cities were plundered and burned, and whole regions were converted into solitudes where wild beasts roamed amid the ruins of human habitations.

When the Lombards finally accepted the Catholic faith, many of the cities were rebuilt and repopulated, and the bishops, returning with their flocks, resumed their former leadership in the civil as well as in the spiritual sphere. At the end of the seventh century, Pavia, the Lombard capital, became a seat of intellectual interest and influence; but it was to the Church that this restoration was entirely due, and its representatives were accepted and honored as the intermediaries and guardians of the faith received from Rome. The ancient municipal life had totally vanished, Roman law had been superseded by the Lombard legislation, and even the bishops, so far as they were affected by any civil authority, lived under the laws of the Lombards. Two hundred and fifty years after Charles the Great had extinguished the Lombard monarchy, notwithstanding the fact that he had assimilated the Lombard and the Frankish clergy, the monastery of Tarfa, in the Duchy of Spoleto, at the very gates of Rome, was still governed by the law of the Lombards, under which it had always existed.

The Italian  
cities under  
the Empire  
of Charles  
the Great

The Empire of Charles the Great, owing its existence to the union which the diplomacy of Leo III had effected between the military prowess of its head and the defence of the Papacy, was an artificial creation rather than a phase of normal institutional development. Possessing no organic unity, and being, in effect, a merely personal supremacy, the



Empire of Charles would have failed ingloriously but for the practical wisdom of the Emperor himself. For a moment, he felt the temptation to impart a formal unity to his empire by imposing upon all its parts an identical system of legislation; but, with rare insight, he perceived that, with so many diverse nations, each possessing its own laws and customs, it would be impracticable to impose the same system upon all. Contenting himself, therefore, with the idea of making the precepts of morality and religion the only law universal, Charles the Great adopted the rule of "personal" rather than "territorial" law, leaving to his subjects the choice of the code by which they would be governed. It was not until the time of Conrad II that the Roman jurisprudence again became the territorial law of Rome.<sup>1</sup>

The fact that this option did not immediately, — or, indeed, for several centuries, — accomplish the restoration of Roman law in the Lombard cities of Italy, indicates how completely the Lombards had swept it away. Nothing is heard in this period of the rights and liberties of the old Roman municipalities. When it is added that the restoration of the municipalities might easily have been effected in the ninth and tenth centuries, if the germs of their organization had still existed, the evidence appears to be conclusive that they had long been totally extinct.

It is futile, therefore, to seek in the traditions of the old Roman municipalities the immediate origin of that civic life which rose to such prominence in the twelfth century. It is rather in certain developments of the feudal organization of the Middle Ages that we are to look for the origin of those communes which were to create the city-republics of Italy, in whose leagues and negotiations systematic diplomacy had its birth.

The feudal  
origin of the  
communes

While Charles the Great left his subjects free to choose the law by which they would be governed, he did not fail to impose upon them an effective system of supervision. Divid-

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<sup>1</sup> See Pertz, *Mon. Germ. Hist.*, Leges, II, p. 140.

## CHAP. VI

A. D.  
1125-1190

ing the entire empire into local jurisdictions presided over by counts and bishops, he provided for the faithful discharge of their duties by the watchful oversight of the *missi* and the ordinances promulgated in his capitularies. From these valuable documents we learn that the functions of the counts and the bishops, while distinct, were from the beginning intimately connected and designed to be mutually helpful. In time, however, the bishops grew in favor with the central power and were granted privileges which led to their inevitable pre-eminence. Accorded the rights of immunity in their possessions, as vassals of the Emperor, they were allowed to receive the commendation of those who wished to establish feudal relations with them. Their milder rule, their elective character, their paternal interest in their vassals, their position as moral and religious guides, and their greater immunity from the imperial charges combined to attract around them the best elements of their time and to increase their weight and influence. Living in the cities, while the counts usually occupied castles in the country, the bishops became the natural protectors of the towns where they resided, which they fortified and defended during the long period of the Magyar invasions as the old Roman bishops had done in the days of the first barbarian conquests. Thus, there were gradually formed in the cities of Italy communities of men sharing in a great degree the privileges accorded to their head, who was elected by them and generally ruled them in a spirit of paternal consideration. Overshadowed by the growing influence of the bishops, the counts were, accordingly, ever becoming less and less representative of the life and interests of the people, and, as the imperial power relaxed its control, more and more identified with mere arbitrary force.

The transformation of  
the cities

Through the immunities bestowed by the emperors upon the bishops, there gradually grew up an accretion of special rights and privileges which were afterward appropriated as civic liberties by the communities themselves. The complete jurisdiction of the bishops, except in matters of a

criminal nature, which Lewis the Pious granted to certain churches, whereby not only the vassals of the bishops, but all men living within the boundaries of their dioceses, fell under their authority, in 883 was made general by Charles the Fat. The bishoprics were thus transformed into temporal sovereignties of the feudal order, and the functions of the counts were practically effaced. As the imperial rule sank to a merely nominal suzerainty, the life of the Italian cities became in effect almost autonomous, and the relation of the population to the Empire was rendered less conspicuous.

The only patriotism possible to men under such conditions was purely local, and the city became at once both the centre and the circumference of thought and sentiment for its inhabitants. Thus were produced those social forces which at the same time explain the vigorous development of the Italian city-states, and the jealousies and hostilities which rendered impossible the idea of Italian unity.

It was in the conflict between the Empire and the Papacy that the Italian communes rose to power and first asserted those civic rights which presage the dawn of modern history. The transition from the ecclesiastical government of the Middle Ages to the civil government of the modern world presents a drama of absorbing interest, for it enables us to trace in their genesis and development the elements with which we are now familiar in the present political system of Europe. It marks the transfer of authority from the vague realm of tradition and theory to its efficient source in human personality. From the fall of the Roman Empire to the rise of the Italian communes, the Latin world had been ruled by the dread spectre of the imperial idea, successively represented by the rulers who had seemed to embody its authority. The Goths had clothed it with a foreign terror, the Lombards had made it seem a divine chastisement for the sins of the people, the Franks had invigorated it with the theocratic ideal; but it had never ceased to dominate the minds of men. Now that it had become the object of open dispute between the Em-

The imperial  
charters

## CHAP. VI

A. D.  
1125-1190

pire and the Papacy, it was exposed to a new scrutiny and regarded with a new scepticism.

To win the support of the Lombard cities in their great controversy with Gregory VII and his successors, the emperors were obliged to grant with a prodigal hand charters conferring immunities and privileges upon their inhabitants. It is a notable fact that it was no longer to the bishops or other magnates that these immunities were granted, nor even to the cities as political bodies, for they had not yet acquired that character. It was to the free inhabitants, designated as "*fideles nostri*," that these grants were made; and thus, for the first time in centuries, human personality as such receives consideration as an effective constituent of the state.

The character  
of the charters

Nor was it merely exemption from dues or relief from burdens that was conferred by the imperial charters; they contained a bestowment of positive privileges, and even accorded participation in the attributes of sovereignty. The emperors conceded to the cities the right of eminent domain and gave guarantees against themselves, thus binding their own hands for the future. They dispensed the inhabitants of the cities from the onerous duty of quartering the imperial troops in their houses, a step which was to lead to the abolition of imperial garrisons. They sometimes even removed the imperial palaces — seats of the imperial administration, with their massive gates and threatening towers — from the heart of the city; and thus practically destroyed the only visible sign of the imperial authority. In his anxiety to make friends, Henry IV, in 1081, promised the free inhabitants of Pisa that he would in the future name no representative of a foreign count as an imperial officer among them, and that he would not appoint a marquis of Tuscany without the approbation of twelve men elected by the inhabitants of the city. The imperial concessions to the cities were almost equivalent to an abdication of sovereignty over them.

The political  
significance  
of the cities

It was in the cities rather than in the fields that the victims of a rude age found some degree of personal freedom and security. In the country, a tyrannical aristocracy worked



its will with a helpless peasantry; but in the towns, skill and industry found recompense and protection. Here flourished the trades and the arts; here the weak could support one another; here, behind deep moats and high walls, the bishops had created a refuge for their flocks; here, in times of danger, thronged the surrounding population to seek asylum.

To all who wished to live by the peaceful pursuits of industry and commerce, the towns offered a powerful attraction, and they naturally became the centres of progress and intelligence. It is a common error to suppose that the Italian cities of the Middle Ages were wanting in the elements of intellectual life. A capitulary of the Emperor Lothair I, of the year 825, created a complete system of public instruction for the cities of Italy. In some of the dioceses, even the rural communities possessed elementary schools under the direction of the Church. At Milan, in the tenth century, the liberal arts were held in high honor, and from its schools went forth men who exercised a European influence. In 1078, under the pontificate of Gregory VII, the Lateran Council decreed that the bishops should establish near their cathedral churches chairs for instruction in the liberal arts. The catalogues of the libraries of that time show that the Greek and Latin classics, among them the works of Aristotle, Demosthenes, Pliny, and Juvenal, and the law books of Justinian, were not unknown to the scholars of that day.

Here, then, where the arts flourished, where industry thrived, where commerce held out its hand to offer the fruits of toil, where work was glorified, where architecture reared its shapely walls, where sculpture adorned the gates and fountains of the city, where painting populated the chancels and aisles of the churches, where music resounded and the poet sang, — ideas were born, aspirations were engendered, and convictions took form in the minds of men. It was from these well-springs of work and culture that the Italian republics were brought into being. In them the spirit of old

CHAP. VI  
A. D.  
1125-1190

The influence  
of Roman law  
on the Lombard cities

Rome was to live again, but it was a spirit tempered and chastened by the adversities of a thousand years.

Originating in the conflict between the Empire and the Papacy, the nascent liberties of the Lombard cities received their form in large measure from the revived study of the Roman law. The expression "those skilled in jurisprudence, laws and customs" (*juris, legum et morum periti*), applied to the persons who took the leading part in the congress called in 1117 near Milan to consider the interests of the cities, indicates the influence exercised by this revival of legal knowledge. Before the end of the twelfth century, it was the "consuls" of the Lombard cities—so named after the ancient officers of Rome—who possessed the political power of these communities.

But it would be an error to suppose that these "communes" were examples of popular self-government, in which inherent personal rights, natural freedom, and equality before the law were constituent elements. The Roman system, from which their conceptions were derived, considered all political attributes as acquired franchises, and not as inalienable rights. As despotic minorities, adding to their charter privileges the absolutism of their imperial origin, the ferocity of feudal barons, and the unripe rationalism of an inexperienced age, the Italian communes were in no sense free institutions. Wanting in the pacific instincts of their former ecclesiastical rulers, released to a great extent from subordination to imperial control, these little oligarchies, fierce in their hatreds, consuming in their hostilities, implacable in their vengeance, crafty and often perfidious in their negotiations, devastated one another with cruel wars and branded Italian diplomacy in its very cradle with marks of shame.

The particularism which had always been the curse of Italian politics since the decay of the Roman Empire, not only destroyed all hope of Italian unity,—that long unrealized dream of Italy's greatest poets, thinkers, and statesmen,—but, by filling the imagination of every city with the vain

ambition to become another Rome, crushed out the instinct of nationality and doomed Italy to a career of futile hopes and unrealized aspirations.

The Tuscan cities — Florence, Pisa, Lucca, Arezzo, Siena, and others — had a development in some respects different from the cities of Lombardy, owing to the fact that, until the time of the Countess Matilda, the whole of Tuscany was vigorously ruled by a line of margraves who held the country in absolute subjection. There, while the bishops were in effect the rulers of the different cities, their authority was subordinated to the margrave, from whom they received their appointments and by whom they were treated exactly as feudal barons.

But a new period began for the cities of Tuscany with the advent to power of Hildebrand at Rome. During the successive pontificates that were under his influence Tuscany was closely allied to the Papacy; and under the long reign of the Countess Matilda, it was, in fact, the Papacy which governed through her. In order to secure the continuance of this control after her death, the Countess was provided with husbands whose physical deficiencies ensured to the Papacy the inheritance of her vast estates without the rivalry of a natural heir. But before Matilda, upon her death in 1115, finally transmitted her inheritance to the Papacy, the new leaven which was working in all the cities of Northern Italy had affected those of Tuscany also, and some of them were already ruled by their "consuls."<sup>1</sup>

Isolated from the rest of Italy by its geographical position

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<sup>1</sup> The date when "consuls" first existed in the cities of Tuscany has given rise to much learned discussion. Pisa is the first mentioned, in 1094; Pistoia, in 1107. Florence, according to Perrens, had "consuls" as early as 1101; but the correct date of the document upon which he relies is 1181 Florentine style, or 1182 modern style. See Villari, *The Two First Centuries of Florentine History*, p. 55. "The fact is, that no fixed year can be assigned to the birth of the Florentine Commune, which took shape very slowly, and resulted from the conditions of Florence under the rule of the last dukes or marquises." *Id.*, p. 84.

CHAP. VI  
A. D.  
1125-1190

The Republic  
of Venice

and environment, Venice had risen to an importance which demands particular attention. Originally, a little colony of fugitives from the mainland, seeking in its more than sixty islands an asylum from the incursions of the barbarians, Venice had become one of the most powerful and, as it proved, the most durable, of mediaeval states. Founded upon barren banks of sand, where existed neither vegetation, building materials, nor even sufficient ground for building, this wonderful city, by the vigor of its inhabitants, its maritime advantages, the persistence of its industry, and its boldness and enterprise, supplemented by its political constitution, had maintained the continuity and growing ascendancy of its municipal life through all the revolutions of Italian history. While their poverty for a long time assured the equality of its citizens, the remoteness and obscurity of their island refuge sheltered them from foreign aggression. Obligated to protect their simple fisheries by means of their boats, they became masters of the sea, and their ships brought them into close relations with all the Mediterranean coasts, particularly with Constantinople and the Eastern Empire, to which, through a vague acknowledgment of dependence, they sometimes looked for protection.

With the development of their industry and commerce, changes in their form of government—at first that of a pure democracy—were rendered necessary; but many of the laws and liberties pertaining to their early state of equality were preserved throughout their history. For military and administrative reasons, the executive authority was, in the seventh century, confined to a duke, or “doge,” who often exceeded his rightful prerogatives and was frequently made the object of popular vengeance. Half oriental in its architecture, costumes, habits, and ideas, by virtue of its commerce the most cosmopolitan of the Italian cities, Venice became the connecting link between the East and the West, and the medium through which the arts, industries, etiquette, and diplomacy of the Orient were transplanted to



Western Europe, there to enter upon a new career of fruitfulness and development.

CHAP. VI  
A. D.  
1125-1190

## II. THE RELATIONS OF THE ITALIAN CITIES TO THE EMPIRE AND THE PAPACY

With the rise to power of the Italian communes, a new element had entered upon the scene of diplomatic activity, hitherto chiefly occupied by the Empire and the Papacy. The progress of communal freedom had been at first favored by the popes, for they found in the cities their strongest allies in the conflict with the emperors. But when the cities had acquired sufficient power, pursuing their own ends, and striving to establish their complete independence, they did not hesitate to assert their absolute authority. As early as 1112, the Milanese and the Pavians made a treaty of alliance for their mutual defence, in which they swore to guarantee reciprocally "their persons and their possessions against every mortal born or to be born."<sup>1</sup>

The independent attitude of the Lombard cities

This bold step was naturally regarded by the imperial and the papal authorities as an act of hostility, for the relations of the two cities with both Pope and Emperor were at that time strained. Five years later, Milan convoked a general congress of all the Lombard cities. The proceedings are not preserved, but we know them to have been directed against the pretensions of the Emperor; for the attitude of the cities is clearly set forth in the letters of Frederick, Archbishop of Köln, addressed to the Milanese, and to the entire Catholic Church.<sup>2</sup> This movement of resistance received the cordial support of at least a part of the German ecclesiastics.

<sup>1</sup> This treaty is mentioned by Landulf, Junior, *Mediolensis Historia*, XXI.

<sup>2</sup> The original text of these letters was found in a MS. belonging to the Abbey of St. Germain des Prés, at Paris, and has been published by Dom Martène and Dom Durand in their *Collectio Veterum Scriptorum*, etc., Paris, 1717, I, pp. 640, 641. A French translation of the first letter may be found in Haulleville, *Histoire*, I, pp. 376, 377.

CHAP. VI  
A. D.  
1125-1190

The pretensions of Milan

The course of Henry V in the face of this new danger to the Empire could not fail to promote the developments which were leading to its ruin. While this formidable league was spreading across Northern Italy and preparing to block forever the march of the German emperors to Rome, Henry V, instead of dispersing it by negotiation, or overwhelming it by force, was evading the armed outposts of the Lombard rebels, to imprison an innocent and feeble old man, Paschal II, and wring from his reluctant hand a dishonored crown. Thus, in the shadow of the movement for the reform and enfranchisement of the Church, lurked a new aspirant to power ready to challenge the claims of both Pope and Emperor.

The death of Henry V in 1125, without leaving a successor to the throne of Germany, afforded to the Milanese the opportunity of asserting their rebellion. Lothair of Supplinburg, Duke of Saxony, having been chosen and crowned King of Germany, in September, 1125, — but not without the stout opposition of the Hohenstaufen family of Suabia, — Conrad of Hohenstaufen, with the support of his elder brother, Frederick, and other discontented Germans, came to Lombardy to seek the kingship of Italy. Milan, which had long shown its independence in ecclesiastical matters, now claimed the right to create a king; and on June 29, 1128, at Monza, the Archbishop of Milan, in defiance of Lothair, placed the royal crown on the head of Conrad. Having received the new king at Milan, the Milanese soon realized the temerity of the step they had taken; for a powerful league was immediately formed against them by their jealous neighbors.

The general confusion in Italy

Fearing in the part played by Milan the establishment of a new royal supervision in which that city would be predominant, all the neighboring Lombard cities, — Novara, Cremona, Brescia, Piacenza, and above all Pavia, — promptly rallied to the support of Lothair. Even many of the territorial lords of Milan repudiated Conrad, who, after being proclaimed king, was finally abandoned.

To the antagonism between Lothair and Conrad in Italy, was added, in 1130, the confusion wrought by a double papal

election. A member of the wealthy family of converted Jews, known as the Pierleoni, — rivals at Rome of the Frangipani and the Corsi, — by the free use of money and influence, had sought election to the Papacy. To defeat this purpose, six cardinals had met in February, 1130, and chosen Gregory, Cardinal-deacon of St. Angelo; who, as Innocent II, claimed the support of the faithful. Peter Pierleoni, had, however, attracted the multitude in Rome; and, having been elected by the rest of the cardinals under the name of Anacletus II, held the city in his possession. He further strengthened his position by an alliance with Roger II of Sicily, — whose union of that island with a great part of Southern Italy had formed the important Kingdom of Sicily, — and in September, 1130, recognized and consecrated Roger as king in exchange for his friendship. Innocent, driven from the Lateran palace, which he had for only a short time occupied, was now a fugitive from Rome, having sought asylum in Pisa, Genoa, and Burgundy, and finally in France.

Lothair II and Innocent II soon joined their forces to restore the dignity and authority of the Empire and the Papacy, but the effort was beset with enormous obstacles. In 1132, Lothair, not yet having succeeded in uniting Germany, descended into Italy with a small army of only fifteen hundred cavaliers, for the purpose of chasing Anacletus from Rome, establishing Innocent, and receiving the imperial crown. The Lombards treated with contempt the weakness of Lothair, whose futile assault upon the little town of Crema was regarded with derision. The Genovese and Pisans having been conciliated by Innocent II, Milan was punished by withdrawing the Bishopric of Genoa from its metropolitan jurisdiction; but this petty chastisement was the measure of the united forces of Innocent II and Lothair.

Having met at Roncaglia, the Pope and the King proceeded to Rome; where, however, they were unable to expel Anacletus, who, under the protection of the Pierleoni and the Normans, held St. Peter's Church and the Castle of St. Angelo. Installed by the German knights in the palace

CHAP. VI  
A. D.  
1125-1190

of the Lateran, Innocent II, on June 4, 1133, there bestowed the imperial crown upon Lothair, and gave him in fief the allodial possessions of the Countess Matilda; for which, it was agreed, a small annual tribute was to be paid.

Dexterously turning this incident to the profit of the Papacy, Innocent caused a painting to be made, in which he was portrayed seated upon the papal throne, while Lothair II knelt as a vassal at his feet and received from his hand the imperial diadem.<sup>1</sup>

Having thus received the crown in the Lateran palace, while Anacletus held possession of St. Peter's Church, the Emperor left Innocent II helpless in Rome and hurried back to Germany. Unable to hold his ground there, the unfortunate pope soon abandoned the city and retired as a fugitive to Pisa, where, in 1134, he convoked a council to effect the deposition of his rival.

The appeal to  
Bernard of  
Clairvaux

The disorder and anarchy of Italy, the Empire, and the Church now seemed hopeless, for the feebleness of the Emperor and the misfortunes of the Papacy left the situation without apparent remedy. In these desperate circumstances the power of a great personality was invoked.

Born of an illustrious Burgundian family, trained in all the knowledge of his time, disciplined by the rigorous rule of the Cistercian brotherhood, and unreservedly consecrated to the service of the Church, Bernard of Clairvaux, by the unselfishness of his life and labors, exercised a spell over Europe which made him the oracle of the age in which he lived. Endowed with every natural advantage, — physical beauty, keen intelligence, noble character, persuasive eloquence, and absolute self-mastery, — he had chosen a life of strict renunciation and unremitting toil. From the bare and simple hut of straw whose quiet solitude he loved at Clairvaux went forth a constant stream of correspondence to all

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<sup>1</sup> The inscription on this picture, which caused the great indignation of Frederick I, read:

"Rex venit ante fores, jurans urbis honores;  
Post homo fit papae sumit quo dante coronam."



parts of Christendom, for his advice was sought in every controversy and his personal judgment was esteemed as the highest earthly tribunal. By virtue of his great learning, the purity of his life, and the reputation he had attained as the embodiment of all the mediaeval ideals, Bernard towered above the most authoritative popes of his time. Having refused every form of prelatical preferment, he was known to have renounced all worldly ambition, and seemed, therefore, to speak only in the name of God. Combining in his person "the prestige of Ambrose, the authority of Augustine, the grace of Basil, the eloquence of Chrysostom, and the force of Hildebrand," he melted and subdued men by none of these, but by the sincere love of mankind which made him irresistible. It was to him, therefore, that both Emperor and Pope now turned in their extremity.

The Italian bishops who composed the council at Pisa in 1135 were deeply divided between the rival popes, but the conciliatory influence of Bernard moved them to unite in excommunicating Anacletus and the refractory Archbishop of Milan, while the dissenting bishops of Bergamo and Tortona were deposed. Several of the high Milanese ecclesiastics then took a vow of fidelity to Innocent II; but, fearing the hostility of the people, they dared not return alone to their charges.

The mission  
of Bernard

The Milanese had long desired the presence of Bernard to compose their dissensions; and, relying upon his powers of reconciliation, Innocent II appointed him his legate to pacify all the Lombard cities. Bernard cheerfully undertook this difficult mission, acting also as representative of the Emperor. Accompanied by a small retinue of cardinals and bishops, but without a military escort, the Abbot of Clairvaux proceeded with the deputies of Milan to begin his task with that city, the chief offender. The whole population — nobles, clergy, and citizens — came forth to meet and welcome him. At a distance of seven miles from the city gates, a triumphal procession was formed to escort him within its walls. With signs of penitence for their rebellion, the Mil-

CHAP. VI

A. D.  
1125-1130The work  
and death of  
Lothair

anese promptly accepted all his counsels. Both Innocent and Lothair were recognized, and the prisoners taken from the hostile cities were at once set free. Even Conrad of Hohenstaufen was now induced to submit to Lothair. Nearly all the cities were soon restored to peace and harmony; but Cremona and Pavia could not forget the mortal injuries that had been inflicted upon them by Milan. Before their undying resentment even the great conciliator was powerless.

The way having been thus prepared by the skilful negotiations of Bernard, Lothair crossed the Alps once more, this time with a large army, to complete the work of pacification. Among the officers who aided him in subduing the Pavians was Conrad of Hohenstaufen, now loyally supporting his triumphant rival. In Germany, Lothair had left a great name; for he had regulated the affairs of that kingdom under a rule of combined force and justice that was to be long remembered, and to win for him the title "father of his country." Reverting to the policy of Otto the Great, he had carried German religion and civilization into the Slavic and Scandinavian lands on the east and the north. Denmark and Poland did him homage as their overlord, Hungary and Bohemia submitted their disputes to his arbitration, while Byzantium and Venice sent ambassadors to his court. If history cannot record his name among the great emperors, it must at least name him among the ablest of German kings.

After subduing the refractory cities of Italy and inflicting punishment upon the Norman allies of Anacletus, the Emperor disbanded his army, and was returning to Germany, when, on December 3, 1137, death suddenly ended his career. If he had, at last, succeeded in imposing the Empire once more upon Italy, he had done this, not by opposing the Papacy, but by an alliance with it. His success was, in reality, rather a triumph of Bernard's diplomacy than the work of armed force. It was only by a conciliatory policy that Northern Italy had been once more composed. In the South, where the military strength of the Emperor had only for

the time overwhelmed King Roger of Sicily, no permanent results had been accomplished.

The sudden death of Lothair II probably prevented a rupture with the Papacy which would have precipitated the inevitable catastrophe in reserve for the Empire; for, after his subjection of the Normans, the Emperor, before departing for Germany, had already quarrelled with the Pope over the disposition of the Norman fiefs. The time had arrived when a skilful manipulation of the forces then existing in Italy could prevent the building up of any strong power there not willing to subordinate itself to the papal supremacy. The days when a foreign king could by occasional sallies into Italy render it permanently obedient to his will had passed away forever. The new Norman kingdom in the South, in combination with the proud and sensitive municipalities which had come into being in the North, furnished new weapons for a battle of diplomacy such as Italy had never known before.

But a new peril to the Empire was now added in the growth and ambition of the powerful House of Welf. The head of that great family, Henry the Proud,—possessing vast estates in Saxony, Bavaria, and Italy, uniting all the fiefs which had been transmitted by the Countess Matilda, and by arrangement with the Pope in 1137 the use of the allodial estates also,—could boast that his authority extended from the North Sea to the Mediterranean. Bitterly hostile to the family of Hohenstaufen, and a candidate for the Empire, Henry the Proud appeared a formidable antagonist for any German prince to oppose.

A power so vast presented a front which alarmed the German magnates, both lay and ecclesiastic; for, if a prince of such resources became emperor, there would be no alternative but obedience. A wide-spread combination was, therefore, formed against the House of Welf; and, while Albert the Bear disputed with Henry the heritage of Saxony, his other opponents assembled at Coblenz to press the claims of Conrad of Hohenstaufen to the crown.

CHAP. VI

A. D.  
1125-1190

Guelf and  
Ghibelline

## CHAP. VI

A. D.  
1125-1190

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To the battle cry of "Welf" was hurled back that of "Weiblingen," — the name of a village in Suabia near the Hohenstaufen castle. Beginning thus in a rivalry for the German kingship and the imperial crown, the war cries of "Welf" and "Weiblingen," which the Italians pronounced "Guelf" and "Ghibelline," resounded as battle shouts and party epithets long after their origin had been forgotten; serving to designate, respectively, the papal and the imperial partisans in their repeated contests; and, finally, to denote the rival factions in the internal strifes of the Italian cities when the imperial claims ceased to be asserted south of the Alps.

Election of  
Conrad III  
and abandon-  
ment of Italy  
to the Papacy

With the German election of 1138, the rivalry of the Guelfs and Ghibellines assumed for the time a dangerous character; but Conrad of Hohenstaufen was chosen king and displayed a remarkable energy in enforcing his authority. Henry the Proud generously offered to recognize the kingship of Conrad, if his territorial rights were respected; but this erratic warrior, not content with submission, proceeded to spoliation and stripped Henry of his duchies. The humbled duke having died soon afterward, Conrad yielded to the wave of enthusiasm for the Crusades which was then passing over Europe. Taking the cross at Speyer, on Christmas day, 1146, he soon attracted to his standard great numbers of the German nobles; civil war was for the time abandoned; and a vast multitude of adventurers, rich and poor, including women arrayed in the armor of knights or serving as squires, prepared to march to the holy war. In May, 1147, a general peace was proclaimed at Frankfort; and, having secured the election and coronation of his little son Henry as his successor, Conrad led his motley host toward the East.

The indifference of Conrad III to Italian affairs and his long absence in the Holy Land left the Papacy to struggle alone with the reorganization of Italy. Bernard of Clairvaux, by repeated negotiations, had induced the Romans to receive Innocent II, and the death of Anacletus in 1138 enabled him for a time to assert his authority at Rome.



The Lateran Council in 1139 annulled the acts of Anacletus, and attempted to re-establish peace, not only in the Church but throughout Christendom. Among its decrees was a reaffirmation of the Truce of God. In 1119, Calixtus II had ordered the observance of the truce from Advent to the eighth day of Epiphany, from Quinquagesima to the eighth day of Pentecost, during Ember Seasons, and on the vigils and feasts of the saints.<sup>1</sup> Amidst the tribulations which beset the Papacy, and notwithstanding the conflicts which it occasioned and in which it was compelled to engage, the Church never ceased to stand for peace in an age of brutal force, and to oppose to the harsh realism of the feudal order the ideals of Christian unity and fraternity.

Not only by the Truce of God, which the Church endeavored to impose upon the belligerent feudal lords and barons, but in the realm of justice also, a like influence was exerted both by precept and example. In the courts of the feudal lords, the judgment of God was sought by the trial of battle, where litigants, witnesses, and judges decided the case by physical combat. But in the ecclesiastical courts, justice was determined by the code of the Canon Law, which invoked the principles of reason and equity.

Civilizing  
agency of the  
Church

If the popes inspired and organized the Crusades, thus appealing to the use of force, it was not because they loved war, but because the Holy Places were in danger. It was to guard and administer these memorials of the Christian faith that the military orders were founded in the Holy Land, where the Knights of the Temple in 1128 took their vows of poverty, chastity, and obedience, followed by a vast development of militant monasticism, in which the Knights of St. John and the Teutonic Order were to exert a vast influence upon history and upon civilization. While the Church was using its authority to ameliorate the abuses of private warfare in Europe, it was thus elevating the power of the

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<sup>1</sup> For this decree of the Pope, see Dumont, *Corps diplomatique*, I, Part I, p. 66.

## CHAP. VI

A. D.  
1125-1190

---

sword by the control of noble and refining principles in Asia. By its protection of the helpless and the innocent, which was made the ambition of the Christian knight, chivalry was at the same time ennobling the practice of arms and preparing the forces which were to overthrow feudalism as a social institution. The recognition of the rights of the humble, the association of the crusaders in a common cause, the formation of codes of honor, the emancipation of men from feudal obligations as a reward for their heroic deeds, the return to their places of origin of a new class of free men, were all to constitute a new leaven for the reorganization of society. A new spirit, more refined and more enlightened, was borne back to feudal Europe from the battlefields of Asia. Like the *pax Romana*, the *pax ecclesiae*, which made war a weapon of common defence rather than an instrument of mutual destruction, tended powerfully to supplant the reign of force by a reign of law. The Assizes of Jerusalem, composed under the direction of the most perfect representative of the spirit of chivalry, Godfrey de Bouillon, appeared to be the constitution of a robust society.<sup>1</sup> They were, in reality, the testament of a social order about to expire. A system which had conceived and formulated the legislation by which it should be governed had already renounced the principle of force and accepted the principle of law.

The second crusade, which had taken Conrad III to the Holy Land, proved a pathetic failure; and he returned to Germany in 1149 to find himself confronted by a Welf rebellion. Innocent II had, in the meantime, formed an alliance with King Roger of Sicily, who had become his protector; while Italy, left to pursue its own course, had made great progress in the development of municipal independence.

Like the other Italian cities, Rome had revived the idea of communal liberty, but under circumstances of an exceptional nature. While other cities of Italy had gradually

The revival  
of the Roman  
Republic

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<sup>1</sup> For a brief history of the "Assizes of Jerusalem," see the note on pp. 277, 278 of Choiseul-Daillecourt, *De l'influence des croisades sur l'état des peuples de l'Europe*, Paris, 1809.

passed from the rule of their bishops to the government of "consuls" chosen by their communes, Rome, whose bishop was also pope, had received none of the new privileges accorded by the emperors. Here, the aristocracy had either made and controlled the Pope, or had been managed by him through imperial interposition or the gift of immunities accorded by himself. The people and the smaller nobility, restless and dissatisfied, had always been ready for revolution, and had constituted a perpetual danger.

In 1141, a revolt of the little city of Tivoli had been rudely repressed by the Romans; but, in making their treaty of submission, in order to escape total destruction, the vanquished had placed themselves wholly in the hands of the Pope. This incident suddenly unchained all the elements of insurrection which had been excited by the example of other Italian cities. Rome, once the mistress of the world, perceived itself held, alone, in the bonds of a mediaeval theocracy such as its neighbors had shaken off. A tempest of mingled pride, misery, and ambition now burst forth. The population rose in rebellion against the Pope, a democratic government was set up, the Senate was restored, and the city was plunged into a state of war. In the midst of this revolution, Innocent II passed away, leaving to his successors — Celestine II, Lucius II, and Eugenius III — a decade of storm and turbulence.

Three burdens had long weighed heavily upon the common people of Rome: the despotism of the aristocracy, the appropriation of land by the clergy, and the calamities that had befallen the city in the tragic conflicts occasioned by the temporal claims of the popes. The revolution of 1141 was a protest against all three, a rising of the people in a fierce struggle for the municipal liberties already possessed by other cities of Italy.

At the moment when revolt was rising to its most dangerous proportions, Arnold of Brescia, a Lombard scholar whose unusual rhetorical talents had been stimulated by the bold eloquence of his heretical master, Abelard, at Paris, after

Arnold of  
Brescia

## CHAP. VI

A. D.  
1125-1190

---

wandering through many lands declaiming against the temporal power of the Pope, in 1146 came to Rome, where he was received with wild enthusiasm. Supported by the masses of the city, and especially by two thousand Swiss who had followed him, Arnold eloquently attacked the temporal pretensions of the Papacy and the right of the clergy to hold property. Taking his text from the separation of the spiritual and the civil powers proposed in the repudiated transaction of Paschal II, the impassioned monk made the populace delirious by his political and social doctrines. The crime of possessing property, so vigorously denounced, rendered the Roman mob a willing instrument of divine vengeance for its punishment; while Eugenius III, fearing for his life in the midst of such fervid denunciation, fled to Viterbo, leaving Arnold in full possession of the city.

It would be inspiring to perceive in this democratic movement a revival of civic responsibility and a restoration of republican liberties in the scene of their ancient grandeur; but the revolution serves rather to expose the depths to which political spirit and sound statesmanship had fallen in that moment of splendid opportunity. The Romans of that time could conceive of no higher aim than the futile wish to restore the ancient glory of Rome as the mistress of the world. Anxious to create for themselves some title of distinction, the demagogues demanded the restoration of the equestrian order as well as the re-establishment of the Senate, thus committing the city to the contentions of a new nobility. To crown this dream of greatness, Conrad III was importuned to come to Rome, make it his capital, and, "freed from the fetters of the clergy, to exalt and glorify the Roman Empire." Thus, instead of that awakening of civic responsibility which might have solved forever the problem of furnishing to the Papacy the freedom and security of a self-governed commonwealth without the embarrassment of its temporal authority, the ideal of the Roman commune was, in reality, only a revival of that passion for imperial dominion which had proved the curse of Italy.



Eugenius III, in 1145, had been able to make a treaty with the Romans by which he accepted the commune and recognized the Senate as the organ of civil justice; but the Roman lust of power had destroyed this *entente*, which promised for a moment to substitute for the temporal power of the Papacy a republic of free citizens. The Senate demanded the annihilation of Tivoli, and started out upon a career of conquest and domination which discredited its republican ideals and occasioned the Pope's disapproval. Fearing a renewal of the conflict, he fled once more from the city, and added to the invitation of the Romans his own piteous appeal to Conrad III to come and rescue Rome from anarchy; but, while preparing to make a campaign into Italy, the German king, — the first since Otto the Great to fail of an imperial coronation at Rome, — in February, 1152, died in the midst of his preparations for the journey.

Neither Bernard of Clairvaux, who with all his moral and intellectual greatness imagined no form of human government nobler than the Roman theocracy; nor Arnold of Brescia, whose larger spirit of innovation still fell short of the true ideal of a commonwealth, was able to speak that word of practical wisdom which humanity was unable to utter until it had been prepared by a long and painful evolution. Only in some form of despotism, imperial or theocratic, could the men of that age perceive a law of life for human society. The conception of real self-government was not even formed. It seemed as if the spectre of the Roman past, coming forth from its sepulchre amidst the ruins of antiquity, was the only vision which, at that time, could inspire the minds of men. In the newly acquired prerogatives of the Italian cities, fortified and matured by the principle of federation, and united in the defence of Italy from foreign invasion, lay the secret of the spiritual freedom of the Church and the civic freedom of the Italian people. But no prophet arose to behold and proclaim that vision and lead Italy on to peace and union.

## CHAP. VI

A. D.  
1125-1190

## III. THE CONFLICT OF FREDERICK I WITH THE LOMBARD CITIES

The election  
of Frederick I

Preoccupied with the affairs of Germany, and robbed by death of his young son Henry, who had been chosen and crowned to succeed him, Conrad III had ended his life without either responding to the invitation of the Romans or providing for his successor. The occasion now seemed favorable for terminating the strife of Welf and Weiblingen by the election, in March, 1152, of Duke Frederick of Suabia, known in history as "Barbarossa," who inherited from his father the Hohenstaufen title, and from his mother the blood of the Welfs. Only about thirty years of age, yet already a famous crusader, royal in his bearing, independent in his convictions, generous in his actions, fearless and ambitious, Frederick embodied in his person all the qualities of a great monarch. With passionate enthusiasm, he threw himself into the task of restoring all the glories of the Empire, which he believed to be a divine institution possessing universal and absolute authority. Selecting Constantine, Justinian, Charles the Great, and Otto I as his models, he drew from the great jurists of Bologna, whom he summoned to the support of his throne, the legal justification of his high conceptions, and with practical skill and untiring industry devoted himself to putting them into execution. The humiliation which Germany had endured in Italy won for him the eager and loyal enthusiasm of his German subjects, who saw in him the realization of their ideals of kingly power. After a triumphal progress in Germany, in which he endeavored to heal ancient feuds and unite all his vassals in his support, the new king turned his attention to the state of Italy and the imperial coronation.

Frederick's  
compact with  
Eugenius III

Under the advice of Bernard of Clairvaux, Eugenius III had finally established a *modus vivendi* with the Romans by which he was able to live peaceably in Rome. The Pope had consented to recognize the Senate, which now exercised

the civil authority, but was only awaiting his opportunity to restore the papal supremacy.

When, therefore, the envoys of Frederick appeared in Italy, they were gladly received by Eugenius; while the republicans, equally eager to submit themselves to the future emperor, regarded the negotiations of the Pope with unconcealed disfavor. Letters were written to Frederick inviting him to accept the Empire by the election of the Romans, and pointing out to him the fabulous character of the Constantine donation, the unwarranted pretension of the Papacy to the right of conferring the imperial crown, and the danger that was involved in a disregard of the ancient laws of Rome and an alliance with the Pope.

The alternative was thus distinctly placed before the German king of receiving the imperial crown from the hand of the Holy Father, as his predecessors had received it, or of obtaining it by the election of the Romans.

In view of his subsequent theory of the Empire and his sense of legality, it is at first surprising that the King should have treated with contempt the Roman electorate and deliberately preferred to accept his crown not only from the hand of the Pope but against the wishes of the Roman people. Yet this was his decision. So deeply had the idea of the Empire as a divine institution, and the papal consecration as a divine benediction, penetrated the mediaeval conception of the world's government, that Frederick — who afterward so entirely disavowed the Pope and appealed to election as the basis of his own authority — ridiculed the pretensions of the Senate as absurd, rested his right to coronation on the grace of God, and entered into a compact with Eugenius, at Constance, in the spring of 1153, by which the Pope was to confer upon him the imperial crown in exchange for his services in restoring the temporal dominion of the Papacy at Rome and punishing the King of Sicily for his delinquencies.

Before Frederick I appeared in Italy to execute this compact, Eugenius III had died, the short pontificate of Anastasius IV had elapsed, and, in December, 1154, a new pope of

CHAP. VI

A. D.

1125-1190

The interdict  
of Adrian IV

## CHAP. VI

A. D.  
1125-1190

---

the heroic type had ascended the throne of St. Peter. A monk of lowly origin, who had wandered over Europe as a mendicant scholar, Nicholas Breakspeare, — the only Englishman who ever sat in the chair of the Holy Apostle, — had been made a legate to Norway and afterward a cardinal at Rome by Eugenius III, and had now become his successor as Adrian IV.

Excluded from the Lateran palace and sequestered in the Leonine quarter of the city, the popes since the rule of the commune had humbly confined themselves to their spiritual offices, while the hated heretic, Arnold of Brescia, continued his public denunciation of the wealth and pretensions of the clergy and laid down the law for the head of Christendom. Adrian IV, weary of this procedure and of Frederick's delay in coming into Italy, resolved to end it by an exercise of priestly power.

Having first opened negotiations with William, the new King of Sicily, to secure his friendship in case a worldly arm was necessary, Adrian awaited a fitting occasion to employ a weapon of a different order. The stabbing of a cardinal by a republican partisan in the streets of Rome furnished the desired opportunity. Protesting against this outrage, Adrian demanded that Arnold of Brescia, as a sower of sedition, be immediately banished from the city. The Senate refused to exile Arnold and took him under its protection. Then fell the blow which Adrian had prepared, — the interdict of all religious offices until his will was obeyed. Individuals had often been smitten with anathemas, even emperors had been excommunicated, but whole communities had rarely been condemned to this awful curse. Such a calamity had never befallen Rome. No bell was sounded, no mass was celebrated, no sacrament administered. Churches and cemeteries were closed. The whole beautiful world of art, music, hope, love, and mercy was suddenly swept away. Birth and death left the sting of their mysterious anguish in the hearts of the people without the solace of a benediction.

To an age of faith so sensitive to outward impressions,



and to a population finding its chief resource in the entertainment of the pilgrims to Rome, who were now forbidden to enter it, the situation was unendurable. The pious, the weak, and the mercenary besought the Senate with prayers and tears to yield to the Pope's demand; and the senators, falling at the feet of the Pope, implored him to remove the interdict. Adrian granted their petition, Arnold of Brescia was driven from Rome, and the Pope, accompanied by a public procession, was joyfully installed in the Lateran palace.

CHAP. VI  
A. D.  
1125-1190

While Adrian IV was thus testing the measure of his power over the Romans, two important events occurred. William, King of Sicily, repudiating his alliance with the Pope, began the invasion of the Roman territory; and Frederick I, having crossed the Alps in October, 1154, appeared in Tuscany.

Negotiations  
preliminary  
to Frederick's  
coronation

The fate of Paschal II had left a deep impression both upon the Pope and the Roman people, and the advance of Frederick toward Rome was regarded with anxiety and distrust. Accompanied by a retinue of cardinals, Adrian proceeded to Viterbo, in order to open negotiations with the German king. To test the King's intentions, the Pope sent three cardinals to him, with the request that he capture and deliver the heretic, Arnold of Brescia, for trial and judgment. Reassured by the favorable action of Frederick, Adrian now cautiously approached the subject of the imperial coronation. After Frederick had sworn to renew the compact made with Eugenius III, a meeting was arranged and Adrian approached the German camp near Sutri. But here an incident occurred which seriously interrupted the negotiations. When the Pope arrived in Frederick's camp, the King did not go forth to meet him and hold the stirrup of his palfrey while he dismounted. Frightened by the manner of their reception, the cardinals fled from the camp, leaving the Pope to look after his own safety. Adrian coolly dismounted and awaited the welcome of the King, who soon appeared and knelt before the Holy Father, but was refused the kiss of peace until he

CHAP. VI  
A. D.  
1125-1190

had performed the act of humility which custom required. A long discussion arose, the German nobles who had accompanied Lothair to Rome recalled to the King the honors shown to Innocent II, and on the next day the proud monarch consented to hold the stirrup for the former beggar of St. Albans.

The club of  
Hercules

Although the coronation was speedily arranged between the King and the Pope, the Romans were indisposed to submit to the old order of things without a struggle. Envoys were, therefore, sent to Frederick by the Senate, and the views of the Romans were expressed in a long address. The ancient glory of Rome was pompously recalled, the right of the Roman Senate to bestow the crown of the world was proclaimed, resistance was menaced if the King did not respect the laws and usages of the city, and a sum of money was named as the price of assent by the Roman officials to the ceremony of coronation.

At this point Frederick angrily interrupted the speaker and rebuked his insolence. Reminding the delegation of senators that the wisdom and bravery of which they boasted belonged wholly to the past, he recalled to them how the Romans had been superseded by the Byzantines, they by the Franks, and these, finally, by the Germans, who were now the lords of the world. "It is fitting," he said, "for a prince to dictate laws to the people, but not for the people to prescribe them to a prince." He, as King of the Germans, was now their master, they his vassals. The oath they demanded would not be given. The arm of the Germanic peoples had not lost its vigor. "Let him who dares, try to snatch the club from the hand of Hercules."<sup>1</sup>

The Roman envoys mounted their horses and hastened back to Rome. By the advice of Adrian, a troop of soldiers was despatched, to be secretly admitted into the city at night and take possession of St. Peter's Church and the

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<sup>1</sup> The text of these speeches, as reported, is found in Otto of Freisingen, *Gesta Friderici*.

Leonine quarter. Before the dawn of June 18, 1155, a thousand German knights had entered Rome under the cover of darkness, and awaited with the Pope the coming of the King.

On that day Frederick entered the city and marched unopposed to St. Peter's Church. There, while the Romans gathered under arms at the Capitol, acclaimed only by the Germans, he received the crown of the Empire from the hand of Adrian IV. The first of all the emperors who had been crowned at Rome, he had refused to accept the laws of the city.

In the midst of the coronation feast, the indignant Romans entered the Leonine quarter and fell upon the papal and imperial retainers with the sword. A thousand of their number were slain by the Germans; who were, nevertheless, unable to occupy the city, and the following day made their retreat beyond the walls, Adrian and his court seeking refuge in their camp.

A single city had shown its power to drive from its precincts both Pope and Emperor, when they refused to accept its laws; but this was only the first manifestation of that civic awakening which was to set new bounds to the pretensions of the Empire and the Papacy. In return, Arnold of Brescia, judged and condemned as a rebel and a heretic, was lifted to the eminence of martyrdom in that cause of civil liberty whose day was dawning. Slain and burnt, as an enemy to sound doctrine and the peace of the Church, his ashes were thrown into the Tiber, that his grave might not become a shrine for his worshippers. And thus passed into history an influence more potent than a victory of arms, — an idea, unanswered, unanalyzed, and bearing in its memories of martyrdom the fascination of an unmeasured force.

To meet this rising tide of civic freedom, Frederick set his face toward the restoration of imperial absolutism. Just, noble, and even generous in his personal feelings, he became the embodiment and victim of a chimerical idea. The concentration of all power in his own person for the realization

CHAP. VI

A. D.  
1125-1190

The coronation of Frederick I

The projects of Frederick I

## CHAP. VI

A. D.  
1125-1190

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of his universal monarchy became his controlling thought. Four obstacles presented themselves in the way of his ambition, — the power of the House of Welf, the claims of the Papacy, the pretensions of the Italian communes, and the Norman kingdom in Southern Italy. To sweep these obstacles from his path was the first part of his political system, the second was the re-establishment of the Empire by the revival of the Roman law.

Leaving Adrian IV in Italy to make his peace with the Romans the best he could, Frederick returned to Germany laden with the sceptre and crown of the Empire. Revolt and rivalry rose to greet him on every side, but with a strong hand and a conciliatory policy, he succeeded in winning the support of the great dukes and in combining them in such a manner as to hold in check the ambition of the Welfs. To Henry the Lion he granted a renewed title to the Duchy of Bavaria, of which his father, Henry the Proud, had been dispossessed; to Henry Jasomirgott, who also claimed that duchy, he gave the Duchy of Austria,<sup>1</sup> destined to play a leading part in the history of Germany; while he generously bestowed many of his own estates upon powerful magnates whose influence he wished to enjoy. Having put away his first wife, and having failed to arrange a marriage with a princess of the imperial family at Byzantium, his union with Beatrice of Burgundy greatly increased his power in that kingdom. Beyond his own borders, other sovereigns — “provincial kings” as he was pleased to call them — acknowledged his supremacy, and Denmark, Bohemia, and Poland were brought within his system. Even Henry II of England wrote a letter to the Emperor in which he recognized his own subordination. At the Diet of Besançon, in October, 1157, Frederick I was covered with adulation as the greatest of earthly monarchs, “filling all the earth with admiration for his justice and clemency.”

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<sup>1</sup> For the charter establishing the Duchy of Austria, September 17, 1156, see Henderson, *Select Documents*, pp. 215, 217.



Left alone to struggle with the Roman commune and the aggressions of William of Sicily, Adrian IV, to whom Frederick's treaty engagements had not been fulfilled, regarded the Emperor's pretensions to world-wide authority with scorn and indignation. Perceiving that no practical aid was to be expected from the Emperor, Adrian had made his peace with the Romans; and, to oppose William of Sicily, had opened negotiations at Byzantium with the Eastern Emperor, Manuel I, who had agreed to subdue the Sicilian king on condition that he should receive in return three Italian ports. It was a desperate step which Adrian had taken, but it was his last resort. Happily for him, this doubtful enterprise proved to be the means of the papal rehabilitation; for William, in order to escape the threatened war with the Eastern Emperor, gladly became the Pope's vassal, and Adrian IV thus secured his own safety in Italy.

But a tragic occurrence was about to precipitate that hostility between the Pope and the Emperor which only awaited the assertion of their pretensions. A Swedish archbishop, returning to his see from a visit to Rome, had been captured and robbed by Frederick's Burgundian warriors. While the Emperor was holding a diet at Besançon, Adrian sent legates to complain of this act of violence and of his general remissness toward the Church. The legates arrived at Besançon in October, 1157, bearing a letter from the Pope in which His Imperial Majesty was addressed as "Your Highness," and the cardinals who bore it were ranked as his "brothers." Rebuking the Emperor for his negligence of duty, the Pope recalled how he had most willingly "conferred" upon him "the distinction of the imperial crown," and expressed his willingness to confer still other "*beneficia*." At this word, which technically implied that Frederick was the Pope's vassal and held the Empire as a "fief," the German princes indignantly cried out that the Emperor was not the vassal of the Pope. "From whom, then," demanded Cardinal Roland, "does the Emperor hold his power, if not from the Pope?"

CHAP. VI  
A. D.  
1125-1190

The diplo-  
macy of Ad-  
rian IV

The Besan-  
çon incident

CHAP. VI  
A. D.  
1125-1190

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At this, the Count Palatine, Otto von Wittelsbach, drew his sword, and would have killed the Cardinal on the spot had not Frederick intervened.

The papal legates, fearing for their lives, were summarily dismissed, and Frederick, deeply aroused, issued a manifesto, in which he denounced the Pope's "message of paternal sweetness" as blasphemous and devoid of all truth; declaring that "the kingdom, together with the Empire, is ours by the election of the princes from God alone," and exhorting his subjects to support him in this contention.

Adrian IV, perceiving that he had provoked a dangerous crisis, in his turn addressed the German bishops, complaining of the "shameful" anger of the Emperor and the "disgraceful" treatment accorded to his legates."<sup>1</sup>

The reply to this communication, which was intended to create public support in Germany, revealed the loyalty of the German bishops to the Emperor, who had convinced them of his right intentions. "We look upon the free crown of our empire," he had said to them, "as a divine benefice alone; we acknowledge that the first vote in the election belongs to the Archbishop of Mainz, the remaining ones to the other princes in order; that the royal anointing pertains to the Archbishop of Köln; but the highest, which is the imperial, to the Supreme Pontiff." The charges made in Adrian's letter were then explained and answered in detail, and his attention was particularly called to the offensive character of the picture representing Lothair receiving upon his knees the crown of the Empire from Innocent II and the inscription designating the recipient as a vassal of the Pope. "It began with a picture," the Emperor had said; "from a picture it went on to a letter; from a letter it goes on to authority. We shall not suffer it, we shall not permit it; we will rather lay aside the crown than to consent that it, together with ourselves, be so abased."

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<sup>1</sup> This and other documents relating to the Besançon incident are found in Henderson, *Select Documents*, pp. 410, 419.

Convinced that nothing was to be gained by the attempt to create a division among the Germans, Adrian IV, in February, 1158, wrote a conciliatory letter to the Emperor, explaining that the word "*beneficium*" had been used by him in its ordinary sense of "good deed," and not in its technical, feudal sense of "fief"; while by the expression "confer-ring" the crown, he had only meant to say that he had "placed it" upon the Emperor's head!

But the time for conciliation was already past. Frederick had resolved to assert his absolute lordship over the world; and Adrian, foreseeing the inevitable conflict between the Emperor and the Italian cities, had opened negotiations for an alliance with them. The imperial envoys, ignoring the sovereignty of the Pope, had already entered into the Patrimony of St. Peter, demanding for the Emperor tribute and vassalage from the Italian bishops.

Conflicting  
claims of the  
Pope and the  
Emperor

A sharp dispute at once arose, the Pope protesting against the disregard of his rights as head of the papal state; the Emperor replying contemptuously that, before Constantine bestowed his favors upon it, the Church had possessed no princely rights, that all the territories of the Holy See were gifts from the kings, while the bishops were rightly subordinate to the Emperor, for even Christ had paid tribute to Caesar for himself and Peter.

It was evident that the conflict which had been closed by the diplomacy of Calixtus II was now to be reopened, but with a far deeper and wider chasm of separation between the pretensions of the two great rivals for world-monarchy. The negotiations of the Pope's legates with Frederick soon disclosed the irreconcilable nature of the opposing theories. In response to the absolute and universal sovereignty claimed by the Emperor, Adrian IV presented the rights of the Papacy. No tribute should be paid to the Emperor within the papal territory, except the customary "*fodrum*,"—or contribution of forage for the army,—at the time of coronation; no representatives of the Emperor should be sent into the Patrimony of St. Peter except with the Pope's ap-

CHAP. VI  
A. D.  
1125-1190

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proval, for all the regalian rights therein belonged to the Holy See; no oath of vassalage to the Emperor should be taken by the Italian bishops, but only the general oath of allegiance. To all this, Frederick replied, "As Emperor by the will of God, I would be only the bearer of an empty title, if the power of the city of Rome were released from my hand."

Defection of  
the Romans  
and death of  
Adrian IV

The Roman republicans, still clinging to the teaching of Arnold of Brescia, received with satisfaction the estrangement of the Pope and the Emperor, and perceived in this attitude their opportunity to end the papal supremacy in Rome. When, therefore, Frederick arrived in Italy, in July, 1158, at the head of an army of more than a hundred thousand men gathered from all parts of the Empire, envoys of the Senate were despatched to assure him of the loyalty of the Romans and their eagerness to recognize his authority. Although supported by other cities of Italy, which were in alliance with him, Adrian IV thus found his cause abandoned by the Romans; while Frederick, who had, at the time of his coronation by the Pope, treated the Senate with scorn and contempt, now gladly opened negotiations with it for the destruction of the papal influence.

Believing himself able to force the Pope to agree to a concordat in which the imperial supremacy would be recognized, Frederick now sent envoys to employ the leverage of the Roman Senate for the accomplishment of this design; but these negotiations were doomed to failure. Stern and inflexible, Adrian IV withdrew to Anagni, where he had resolved to direct the anathema of the Church against the Emperor; when, on September 1, 1159, death overtook him.

In the midst of trials which would have entirely broken the spirit of a weaker man, Adrian IV had, by his practical wisdom and courageous initiative, carried the Papacy through a period of exceptional danger. While, by his diplomacy, he had fortified his position in Rome, and formed a powerful league of allied states and nobles who had become his friends or vassals, he had not been able to destroy the Roman com-



mune, which was then in open hostility to him. In his last hours, Adrian confided to a fellow countryman, John of Salisbury, that, in his life as a mendicant monk, he had never experienced such bitter need as in the chair of St. Peter. "Would to God," he cried, "that I had never left my fatherland, or the monastery of St. Rufus! Where in the world can a man be found so miserable as the Pope?"<sup>1</sup>

The grief of the dying pontiff over the conduct of the Romans was augmented by the overthrow and humiliation of his allies in the north of Italy. Two opposing leagues had been formed: one, consisting of Brescia, Piacenza, Parma, and Modena, under the leadership of Milan, to resist the aggressions of the Emperor; the other, headed by Pavia, followed by Cremona, Lodi, and Como, and inspired by hatred of the others, to support his cause.

The spirit in which Frederick was conducting his campaign marks a new era in European history. He had expressed his determination to overthrow with force both the pretensions of the Pope and the independence of the Italian communes; but, surrounded by his formidable army, on November 14, 1158, he opened a diet at Roncaglia, before which he justified his procedure by an appeal to law. This *renaissance* of imperial rule, destined to become the model and inspiration of modern absolutism in its struggle with mediaeval feudalism, appealed to the intelligence of the age as no Frankish or German emperor had ever made appeal. Neither Charles the Great nor Otto I had based his power upon a comprehension of the laws by which the ancient Caesars had held their authority. But Frederick perceived

CHAP. VI  
A. D.  
1125-1190

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Frederick's  
appeal to Ro-  
man law

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<sup>1</sup> The story that Adrian IV authorized by a papal bull the invasion and conquest of Ireland by Henry II is now so far discredited by the conclusions of critical scholarship regarding the authenticity of the document upon which it is based, that it has not been mentioned in the text. The curious may find the alleged bull in Henderson, *Select Documents*, pp. 10, 11, whose introductory comments were written before Scheffer-Boichorst and Pflugk-Harttung had completed their studies on this subject.

CHAP. VI  
A. D.  
1125-1190

that the professors of Bologna were of more value to his government than whole armies of fighting men, for they were able to conquer without a blow whole populations by an appeal to law and custom.

The Pandects of Justinian, of which a copy had recently been discovered, furnished to absolutism a complete armory of legal weapons,—the edicts and decrees by which the Roman emperors had built up their unlimited authority. As emperor, all these resources were at Frederick's disposal; and he employed them with a skilful hand. No one could read and comprehend this ancient legislation, apart from the knowledge of imperial usurpations, without being deeply impressed by the maxim, "*Quod principi placuit legis habet vigorem.*"<sup>1</sup> The Emperor, therefore, became "*lex animata in terris,*"—the living law for the whole earth, responsible to no one but God, in whose name he proclaimed his legislation.

All four of the learned doctors of Bologna—Bulgarus, Martinus, Jacobus, and Hugo—supported the claims of Frederick, but not with equal obsequiousness. Walking, one day, with Bulgarus and Martinus, it is said, the Emperor asked them if he was, in reality, the master of the world. "Yes," replied Martinus. "No," replied Bulgarus, "not as

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<sup>1</sup> The pretensions of Frederick I were not only in contradiction to the Teutonic traditions, but even in excess of the powers which, in strict legality, had belonged to the Roman emperors. The doctrine that whatever was pleasing to the prince had the force of law was modified, as we have seen (Note 1, page 14, of this volume), by the principle that his authority was derived from the people. The lawyers of Frederick's time had overlooked this historical basis of Roman law, and justified his pretensions by the abuses of imperial authority which had grown up in the period of personal absolutism. Even Charles the Great had never taken the ground that the will of the Emperor was the ultimate source of law. On the contrary, that great ruler based his government on the wisdom of the national assemblies. See the letter written by Hincmar on the representative régime of Charles the Great, with the comments of Viscount De La Guéronnière, *Le droit public de l'Europe moderne*, Paris, 1876, pp. 19, 23; also Carlyle, *A History of Mediaeval Political Theory in the West*, p. 238.

to property." Martinus, having proved the better courtier, received upon his return the present of a horse. Bulgarus contented himself with making a Latin pun upon the incident.<sup>1</sup>

CHAP. VI  
A. D.  
1125-1190

That Frederick deeply appreciated the services of the professors of law, is evident from the "*Privilegium Scholasticum*," or fundamental charter of the universities. In this famous document, he not only accorded special immunities to students,—including the right of free passage everywhere,—but made all doctors of law equal in rank to knights of the Empire.<sup>2</sup> The reason for this liberality is frankly stated by Frederick himself to be, "that those whose knowledge illuminates the world and renders men obedient to God and the Emperor, are worthy of his praise and protection."<sup>3</sup>

In a free forum of debate, the rights which the Diet of Roncaglia conceded to the Emperor might, perhaps, have been contested; but, in the presence of a hundred thousand armed men ready to do their master's bidding, and recalling the fate of Tortona, in whose ruins the Emperor had left the record of his wrath, no one presumed to dispute either the premises or the logic of the learned jurists. Bowing in silent humility before their new Caesar, the representatives of the Italian cities surrendered their independence into the hands

The general  
surrender and  
the revolt  
of Milan

<sup>1</sup> The words of Bulgarus, as reported, are, "*Amissi equum, quia dixi aequum*." Savigny, *Geschichte des römischen Rechts*, IV, p. 44.

<sup>2</sup> For the "*Privilegium Scholasticum*," see Pertz, *Mon. Germ. Hist.*, Leges, IV, p. 114.

<sup>3</sup> The importance of the lawyer in the subsequent affairs of the Empire is illustrated by the following words of Villari, who says, after speaking of the professors of Roman law as "the natural champions" of the Empire: "Nor did the communes themselves raise any objections to these claims. After Frederick's defeat, they continued to draw up their statutes, laws, and public instruments in his name. Even as late as the fifteenth century, we find that notaries still gave validity to public documents by making them run in the name of the Empire." — Villari, *The Two First Centuries of Florentine History*, p. 405.

CHAP. VI  
A. D.  
1125-1190

of the Emperor, and received from him a constitution which imposed upon them peace, tribute, and obedience. In his address as spokesman for the cities of Italy, the Archbishop of Milan said to Frederick: "Rule, then, august Emperor, over the fish of the sea and the birds of heaven. Know that every right of the people has been conceded to thee. Thy will is law, for all that the Emperor has ordained by letter, by judgment, or by decree is thereby made law."<sup>1</sup>

In January, 1159, the imperial *nuntii* were sent out to carry into execution the decisions of Roncaglia. Among them was the establishment of a "*podestà*," or imperial superintendent, over each of the Italian cities and the enforcement of the regalian rights claimed by the Emperor.

At Milan, a quarrel arose between the communal consuls and the imperial *nuntii*. The consuls declined to subject themselves to an imperial *podestà*, the *nuntii* appealed to the Roncaglian decisions, a popular tumult broke out, the house occupied by the imperial representatives was stormed, and these officers fled from the city.

The consuls endeavored by bribes to prevent the occurrence from coming to the knowledge of the Emperor, but their endeavors were in vain. Frederick's rage would have burst at once upon the unfortunate city but for the counsels of the Bishop of Piacenza, who reminded him that, "before combating with arms, men should discuss the laws."

Frederick then cited the Milanese officials to appear before him. Pressed for a reason why they had violated the laws of Roncaglia, they could only answer: "We swore to them, it is true, *but we did not promise to keep our oath!*" It was their fashion of saying that their oath had been made under compulsion, which they afterward openly asserted as their excuse.

In April, 1159, the Milanese were declared rebels, deserters of the Empire and enemies of the crown; their goods were condemned to pillage and their persons to servitude. Before

The destruction of Milan

<sup>1</sup> Pertz, *Mon. Germ. Hist.*, Leges, IV, p. 111.



the sentence had been received, but in anticipation of it, Milan opened hostilities. Other cities joined in the revolt, — among them Crema, Piacenza, Brescia, and Parma, — then the Emperor poured out upon them his terrible retribution. Crema, on January 27, 1160, was surrendered at discretion and demolished. Milan endured a long siege, but famine finally forced its capitulation.

On March 1, 1162, the consuls threw themselves upon the mercy of the Emperor. On the sixth, the whole population passed before the walls, led by the *carroccio*, — a car, surmounted with a cross and an image of St. Ambrose, which served as the palladium of the city, — to make their act of submission. Amid the dirges of trumpets and the tears and lamentations of the multitude, the *carroccio* halted before the conqueror, then this symbol of their communal pride and independence was demolished by their own hands in his presence. From the depths of their humiliation the Milanese looked for some sign of mercy, but Frederick's face was as hard as stone. The Count of Blandrate pleaded for the people, but the Emperor reserved his decision. At Pavia, the fate of Milan was discussed before a large assembly composed of German princes and Lombard consuls and bishops. The enemies of Milan counselled the Emperor to destroy the offender. The inhabitants, estimated at three hundred thousand, were then ordered to abandon their city, the walls and fortresses were demolished, the combustible portions were burned, and the ruins were left as a monument to the illusions of communal liberty, the hatred of its Italian rivals, and the memory of imperial vengeance.

Soon after the death of Pope Adrian IV, in 1159, the cardinals had canonically elected as his successor, under the name of Alexander III, that same Cardinal Roland who had so boldly defended the papal prerogatives at Besançon. Frederick had set up an antipope, Victor IV, but France, Spain, England, and, in fact, all of Christendom, except Germany, had recognized Alexander. In 1165, the Pope took the bold step of declaring Frederick I deposed from his im-

CHAP. VI

A. D.

1125-1190

Alexander III  
and the Lombard League

CHAP. VI  
A. D.  
1125-1190

perial office, and released his subjects from their oaths of fidelity to him.

When, in November, 1166, after an absence of four years in Germany, Frederick returned to Italy to install his antipope at Rome, it was only after a bloody and destructive siege, which recalls that of Henry IV, that, in August, 1167, he drove Alexander III from Rome and accomplished his purpose. Then, at last, after all his high pretensions, he signed a treaty with the Romans by which he recognized that Senate which he had once treated with contempt, and obtained by the edge of the sword only what he had been freely offered at the beginning of his reign. Hated by the Romans as a brutal conqueror, before he had really obtained full possession of the city, a terrible epidemic devastated his army and soon forced him to retreat, while his new antipope, Paschal III, retired to Viterbo.

The occasion seemed to Alexander III favorable for organizing against the Emperor a coalition of the cities which had suffered from his implacable despotism, and to this great task Alexander now set his masterly hand. In March, 1167, inspired by the Pope and headed by Milan, — now repopulated and refortified, — a confederation was formed in which fifteen cities of Northern Italy, this time including Venice, bound themselves by a solemn oath to resist the aggressions of any one who should attempt to deprive them of the rights they had acquired under the emperors "from Charles the Great to the accession of Frederick I."<sup>1</sup>

Deprived of his army and menaced by this formidable coalition, Frederick, having as a fugitive barely escaped with his life to the loyal imperial city of Pavia, placed the confederated cities under the ban of the Empire; but, unable to execute his decree, the "Master of the World," as he claimed

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<sup>1</sup> The fifteen cities which had entered the League by December, 1167, were Bergamo, Bologna, Brescia, Cremona, Ferrara, Lodi, Milan, Modena, Padua, Parma, Piacenza, Treviso, Venice, Verona, and Vicenza.

to be, sought refuge in Germany, crossing the Alps disguised as a serf, in order to escape assassination.

The Lombard League was not a coalition to render its members independent of the Empire, nor to secure by their federation the unity of Italy. It was a temporary association of bitterly jealous cities, whose alliance had for its purpose no other object than to oppose the projects of Frederick I. Although this confederation was enlarged by the adherence of other communes, many of the Italian cities held aloof, either, as Pavia and Genoa, remaining faithful to the imperial cause, or, as Ravenna and Imola, Florence and Arezzo, engaged in their unending feuds.

For a time, Frederick, substituting strategy for force, endeavored to break down by diplomacy the combination that had been formed against him. Hoping to alienate the cities from one another, or that their ancient hatreds would flame forth anew, for nearly ten years he resorted to a series of secret negotiations in which his duplicity appears in striking contrast to the steadfastness of the allies. Striving at one time to separate the Pope from the cities, at others proposing to treat with them to the exclusion of the Pope, Frederick almost entirely failed to shake their mutual constancy. Alexander, to whom the Byzantine emperor, Manuel I, had made the flattering offer to acknowledge his spiritual primacy if he would crown him emperor in Frederick's place, discountenanced all double dealing and kept faith with his confederates. Recognizing in him the heart and soul of the confederation, the League built and fortified in his honor, and for the defence of their common cause, a new city, Alexandria, to which they not only gave his name, but rendered it tributary to him and his successors in the Apostolic See.

In September, 1174, the Emperor, having resolved to destroy this citadel of rebellion, again crossed the Alps with a strong army and began the siege of Alexandria. A long and fierce assault proved ineffectual, and Frederick retired to Pavia.

An armistice resulting from negotiations conducted at

## CHAP. VI

A. D.

1125-1190

Fidelity of  
the allies and  
building of  
Alexandria

The armistice  
of Montebello

CHAP. VI  
A. D.  
1125-1190

Pavia was signed at Montebello, on April 16, 1175, in which it was agreed that there should be a suspension of arms until the middle of the following May. Each party was to appoint three arbitrators to propose a basis of peace, and all contested points were to be referred to the consuls of Cremona, then supposed to be neutral. At the same time Frederick opened new negotiations with Alexander III.

The arbitrators then united upon a protocol<sup>1</sup> proposing peace on the following conditions: The Emperor was to make terms with the Holy Church and with Pope Alexander III; the members of the confederation were to be allowed to maintain their alliance; Alexandria was to be perpetually respected as a fortified city; all former rights and possessions were to be restored to members of the League; existing defences were to be permitted and if necessary increased; and all munitions of war were to be retained by their possessors. On the other hand, every right and honor was to be conceded to the Emperor which custom had accorded to him before the death of Henry V, but he was to abandon those new regalian rights which had been assumed by him since that time.

Frederick could not reconcile himself to the acceptance of a settlement which so completely exploded his conception of imperial dignity, and proposed that the confederates content themselves with the usages in force at the time of Charles the Great. As this would have involved the sacrifice of all the privileges which previous emperors had granted to the communes, the negotiations were then broken off.

Frederick now made desperate efforts to divide his enemies and recruit his forces. He was at last successful in

Frederick's  
diplomacy of  
obstruction

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<sup>1</sup> Both Muratori and Pertz place this act among the documents of the Congress of Venice, and assign to it the date June 22, 1177. Haulleville advances conclusive reasons for connecting it with the negotiations in execution of the preliminary arbitration. See Haulleville, *Histoire*, II, pp. 201, 202, where a French translation of the protocol is given. The original text is found in Muratori, *Antiquitates italicæ mediæ ævi*, IV, p. 277, and Pertz, *Mon. Germ. Hist.*, IV, p. 151.



alienating the little city of Como by confirming all its former privileges, but the greater cities held firmly to their alliance. He then vainly endeavored to detach William of Sicily from his loyalty to the Pope by offering to him the hand of his daughter and a treaty of perpetual peace. Finally, he promised to accept the protocol of the arbitrators, if the confederates would abandon Alexander III. Having failed in all these schemes, he implored Henry the Lion to send him reinforcements; but the proud Welf was not disposed to rescue the imperious Weiblingen.

The hope of peace being at last abandoned, the allies rallied their forces for the final struggle. On May 29, 1176, a great battle was fought at Legnano, in which the Emperor was overwhelmingly defeated and nearly lost his life. It was the Marathon of communal independence for the cities of Italy.

In the moment of his defeat, Frederick turned to negotiate with the real chief of the coalition, Alexander III. Moderate in his temper but loyal in his adherence to his allies, the Pope refused to conclude a definite peace without the participation of the confederates. The preliminaries having been arranged in the Pact of Anagni,<sup>1</sup> in which the Emperor agreed to recognize the pontificate of Alexander III, to restore the estates of the Countess Matilda, and to treat the German and Italian prelates according to the rules of the Church; the Pope, accompanied by the cardinals and the plenipotentiaries of King William of Sicily, was brought by the Sicilian galleys from Benevento to Venice, where he arrived on March 23, 1177. There, after further negotiations regarding the place of meeting, by which Frederick sought to gain time in the hope of dividing the allies, about the middle of May, in the chapel of the Patriarch of Venice, under the presidency of Alexander III, met the first European congress in which independent civic communities had ever

CHAP. VI

A. D.

1125-1190

The Congress  
of Venice

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<sup>1</sup> For the "Pact of Anagni," October, 1176, see Pertz, *Mon. Germ. Hist.*, IV, p. 147.

CHAP. VI  
A. D.  
1125-1190

The proficiency of  
Venice in  
diplomacy

freely represented their own rights in the presence of princes, — the prototype of the great international congresses of a later time.

At Venice, the Italian deputies found themselves in the city of Western Europe where diplomacy was best understood. Following the example of the Byzantines, with whom they were both commercially and politically in constant intercourse, the Venetians had become the possessors of all the arts and institutions of diplomatic intercourse. The first to practise these arts in Western Europe, Venice became "the school and touchstone of ambassadors." The care and fidelity with which the archives were kept at a very early day are attested by the preservation of a diploma dated in the year 883, by which the Emperor Charles the Fat determined the limits of the jurisdiction of Venice, confirmed its tenure of territory on the mainland, and renewed the privileges of the Church of San Marco. From the first, it would appear, although the earliest archives have now been lost, "the Venetian official was obliged to report in writing every measure he took, every piece of intelligence he received; and, however great his capacity or zeal, he could not encroach on the duties of a colleague or go one step beyond what was written."

The formation of the Venetian archives appears to have commenced in very early times with the registry of the "*pacta*," or treaties, of the Republic, and the "*commemoriali*," or miscellaneous memoranda. In the twelfth century the usual documents consisted of commissions to the ambassadors setting forth the purpose of their missions; instructions prepared by the state; advices (*avvisi*), or news-letters, informing the ambassadors of current events; despatches written by the diplomatic agents to their government; advices transmitted by them regarding current affairs abroad; and reports (*relazioni*) read to the College of the Signory and Senate on their return. The careful preservation of these "*relazioni*" has rendered the Venetian archives,

down to the fall of the Republic in 1797, the most rich and varied storehouse of diplomatic history in the world.<sup>1</sup>

The Venetian Republic was careful to choose men of high qualifications to represent its interests. The ambassadors were always men of patrician rank, selected with minute precaution respecting their honesty and independence. The secretaries were required by law to be of the upper plebeian class. All envoys were subjected to rigorous rules of conduct. Presents were always offered, according to the usage of the times; but, when accepted, were consigned to the Signory by their recipients immediately upon their return. The smallest present to an envoy from the sovereign to whom he was accredited could not be retained by him without the consent of the Signory, which sometimes accorded this privilege, but only when the mission had been terminated. As a result of these precautions, no government in the world was ever more free from the effects of favoritism and jobbery, or more faithfully and intelligently served by its agents. The early traditions thus established were confirmed and continued by later laws which disclose the high importance which the Venetians never ceased to attach to their diplomatic service. By virtue of their pre-eminent merits, the Venetian diplomatists became the teachers and models of all Europe; and Lord Chesterfield advises his son, in whatever court he resides, to cultivate by all means the society and friendship of the Venetian ambassador.

The ceremony with which diplomatic functions were performed at Venice may be inferred from the manner in which foreign envoys were received. "The ambassador's reception presented the same grave and solemn pageant from first to last. The travelled reader cannot have forgotten the Sala del Collegio, with its gorgeous ceiling, and its walls glowing with the richest colors of the Venetian school. There, in seats arranged like the stalls of a choir, with the

CHAP. VI

A. D.

1125-1190

The choice and  
reception of  
ambassadors

<sup>1</sup> For an account of the Venetian Archives, see Brown, *Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice*, I, London, 1864.

CHAP. VI  
A. D.  
1125-1190

Doge's throne in the midst, sat the Signory, dressed in the same picturesque robes which the Venetian painters have made so familiar to us; and there the ambassador, after the verification of his credentials and other matters of form, was received by the College standing, and placed in the seat of honor at the Doge's right hand."

The proced-  
ure of the  
Congress of  
Venice

Besides the Pope and the plenipotentiaries of the King of Sicily, there were present at the congress representatives of twenty-five cities of the Lombard League, and of twenty-two cities and several powerful nobles belonging to the imperial party.<sup>1</sup> The negotiations were conducted by seven plenipotentiaries of the Emperor, seven cardinals named by the Pope, and seven plenipotentiaries of the Lombard cities. Deferring the questions pertaining to the Church until the affairs of the League had been first discussed, Alexander III displayed a wisdom and generosity which won the entire confidence of all.

In the name of the Emperor, Christian von Buch proposed that the confederates accept one of three propositions: either (1) to grant to the Emperor the regalian and other rights

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<sup>1</sup> The members of the Lombard League were: Alexandria, Belmonte, Bergamo, Bobbio, Bologna, Brescia, Carisino, Como, Doccia, Ferrara, Lodi, Mantua, Milan, Modena, Novara, Padua, Parma, Piacenza, Reggio, San Cassano, Treviso, Venice, Vercella, Verona, Vicenza, and the Margrave Obizon Malaspina.

The Lombard cities and nobles on the side of the Emperor were: Acqui, Alba (of Montferrat), Albenga, Asti, Casala, Castrocaro, Cesena, Cremona, Faenza, Forli, Forlimpopoli, Genoa, Imola, Ivrea, Monvelio, Pavia, Ravenna, Rimini, Savona, Tortona, Turin, Vinçimiglia, the counts of Blandrate, the margraves of Bosco and Guasto, the counts of Lomello, and the Margrave of Montferrat.

The ecclesiastics were not in all cases in accord with the attitude of their respective cities. Among the leading prelates present at the Congress, the Bishop of Asti, the Archbishop of Ravenna, and the Bishop of Turin—loyal to the side the Pope was on, though coming from cities standing for the Emperor—were favorable to the League. On the other hand, the Bishops of Brescia, Mantua, Novara, and Piacenza, although coming from cities connected with the League, were favorable to the Emperor.



claimed by him; or (2) to accept the judgment of the jurists of Bologna pronounced at Roncaglia; or (3) to recognize the imperial prerogatives which had been exercised by Henry IV.

To this proposal, Gerard of Pesta, a judge of Milan, who spoke for his colleagues, replied with a boldness that evinces the freedom which the cities had now acquired. The prerogatives of the Emperor, he contended, must be determined by agreement with all the confederates. As to the sentence pronounced by the jurists of Bologna at Roncaglia, it had been given, not freely, but under the imperial order. With regard to the powers recognized in the time of Henry IV, they were vague and uncertain, and could not be clearly known by the existing generation. Finally, if the Emperor would accept the rights which had been recognized in the reigns of Henry V, Lothair II, and Conrad III, the confederates were ready to accord them.<sup>1</sup>

This left the dispute where it was when Frederick had rejected the report of the arbitral commission appointed after the negotiations at Pavia. After several weeks of fruitless discussion, the two parties, despairing of an agreement, submitted the question to the Pope, who thus became the mediator between them.

Seeing that a satisfactory treaty was at that time impossible, Alexander III counselled the conclusion of a truce for six years. Frederick, who had taken up his residence near Venice during the negotiations, now declined absolutely to treat further with the Lombard League, and declared that he would conclude a peace only with the Pope. At the same time he privately informed Alexander that he would accept his decision, with one "secret condition." The venerable pontiff declined to arrange a settlement containing an unknown element, and requested that he be informed what this "secret condition" was. Frederick then demanded the enjoyment for fifteen years of the estates inherited from

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<sup>1</sup> The speech of Gerard of Pesta, reported by Romuald, is translated into French by Haulleville, *Histoire*, II, pp. 221, 222.

## CHAP. VI

A. D.  
1125-1190

the Countess Matilda, which had been already renounced in the Pact of Anagni.

While Frederick was thus trifling with the subject, his party provoked popular tumults at Venice, with a view to breaking up the negotiations. The plenipotentiaries of the League took refuge at Treviso, and even the Pope and the Sicilian envoys were on the point of departure. A threat on the part of the Sicilians to demand of their king reprisals upon the Venetians was necessary before the Doge could calm the disorder and insure their safety. In a last effort to make peace, Alexander agreed to accept Frederick's proposition regarding the estates of the Countess Matilda, provided the Emperor would guarantee their restoration at the expiration of the term proposed.

The surrender  
of Frederick

But it still required an unexpected blow to awaken Frederick from the delusions in which he was resting. Christian von Buch, his archchancellor, weary of his master's tergiversations, and convinced of the moderation and sincerity of the Pope, with noble frankness informed the Emperor that the German plenipotentiaries, not "wishing to lose their souls," could no longer support his antipope, and from that day would recognize Alexander III as the head of the Universal Church.

A new light suddenly dawned upon the mind of Frederick. The German Caesar bowed at last before the better instincts of his nature and his race. For twenty-five years he had cherished a dream of greatness wholly foreign to the Germanic peoples. He had become the slave of a political theory belonging to another age and another type of civilization. He had led his own people by the attraction of his genius into a false path, neglecting his kingdom, dividing the Church, repressing the liberties of Italy, and diverting the power of his sword from nobler uses. The bold words of Christian von Buch revealed to his keen intelligence the error of his way.

An envoy was immediately despatched to Venice, to accept, in the name of the Emperor, the conditions of reconciliation

with the Church, a peace of fifteen years with the King of Sicily, and a truce of six years with the Lombard League, to take effect on August 1, 1177.

In response to the invitation of the Pope, on July 24, Frederick appeared in Venice. The plenipotentiaries had been recalled from Treviso, and the city was filled with rejoicing. Under the porch of the Church of San Marco, surrounded by the cardinals, sat Alexander III arrayed in his papal robes, waiting to receive him. As he ascended the steps, the Emperor removed his cloak, spread it before him, and reverently knelt to kiss the foot of the Holy Father. The Pope, his face bathed in tears, raised him up and gave him the kiss of peace.<sup>1</sup> To the solemn strains of the *Te Deum* the procession then entered the church, where mass was celebrated.

On August 1, 1177, the peace was ratified in the palace of the Patriarch, in the presence of all the deputies of the Lombard League, the Emperor sitting on the right and the Sicilian ambassador on the left of Alexander III, who presided over the assembly. In his opening address the Pope declared, "Our son, the most illustrious Emperor of the Romans, who was dead has returned to life; he was lost, but is found." In his reply, delivered in German and translated by Christian von Buch into Latin, Frederick began: "God, who holds in his hand the hearts of princes . . . has been

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<sup>1</sup> The Venetian chroniclers set afloat the story that, upon this occasion, Alexander III placed his foot upon the neck of Frederick I as the Emperor knelt before him to kiss his foot, quoting the words of the psalmist, "*Super aspidem et basiliscum ambulabis, et conculcabis leonem et draconem*"; to which Frederick is said to have replied, "*Non tibi, sed Petro, cui successor es, pareo*"; and the Pope to have added, "*Et mihi et Petro.*" Count Daru, in his *Histoire de la république de Venise*, Paris, 1819, in order to establish the truth of this fable, has cited a long list of writers who have copied it, but the story is not found in any contemporary writing, and may be dismissed as a malicious fiction. The spirit in which Alexander III used his victory is inconsistent with such an exhibition of arrogance as the story imputes.

CHAP. VI  
A. D.  
1125-1190

pleased to assemble here prudent and wise men from all parts of the world, to the end that they may clearly know our error and our conversion, as we, indeed, know them; and, that returning to their homes, they may publicly proclaim the devotion which we feel for the Church of God." He concluded his discourse with the words: "We recognize the Signor Alexander here present and his successors, as Catholic popes, and we intend to testify to him, as to a father, all due reverence. We render our peace to the Church, to the illustrious King of Sicily, and to the Lombards, as it has been ordered and agreed between us."<sup>1</sup>

Results of  
the Truce of  
Venice

If the Truce of Venice was a notable victory for communal independence in Italy, for Alexander III it was a brilliant triumph. His equity, his loyalty, his moderation, and the fearless devotion with which he consecrated his great talents to the cause to which he was attached, mark him as a man of noble character and a statesman of the first rank. After his long exile from Rome, on March 12, 1178, he was received by the Senate and the citizens with every manifestation of love and veneration. The senators took an oath of fidelity to him, and he was restored to the first place in Rome; but the country nobility set up a new antipope to perpetuate the schism. In March, 1179, Alexander called an ecumenical council in the Lateran, which decreed that a majority of two-thirds of the cardinals was necessary to a valid papal election.

Recognized, at last, as the only head of the Church, he was less successful in his relations with the fickle Romans. Having retired from Rome to Viterbo in 1181, he died at Civita Castellana, on August 30 of the same year. In the twenty-two years of his pontificate, Alexander III had imposed upon King Henry II of England a public penance for the murder of Thomas Becket, Archbishop of Canterbury, beheld the proud Frederick humbled at his feet, and entered Rome with all the glory of a conqueror. The Papacy as an

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<sup>1</sup> For these discourses, see Pertz, *Mon. Germ. Hist.*, IV, pp. 154, 155.



institution had never before displayed such power or exercised such universal influence.

But in a certain sense the triumph of Frederick was even greater than that of the Italian communes or the great pontiff. He had thrown off the selfish flatterers who had fed the flame of his ambition with perverse counsels, he had rescued his name from the list of unmitigated despots, and by his renunciation of preposterous pretensions had won a new and abiding influence over his Italian subjects. From the Truce of Venice onward, the friends of the Emperor multiplied, the cities lost their feelings of asperity toward him, and without effort on his part the situation had so completely changed that, had he been disposed to prove disloyal to his pledges, he could have resumed his contention with the cities with better prospects of success.<sup>1</sup>

But Frederick I had no wish to evade his promises. Age and experience had tempered the ambitions of his youth; and while he always maintained a lofty sense of the imperial dignity, the chimera of restoring the rule of the ancient Caesars gave place to the desire to complete the work of his German predecessors. The softening influence of religion, while never diminishing his energy or undermining his political capacity, turned his thoughts toward service to the Church, and caused him to perceive in the defence of Christendom a far nobler field of action than the subjection of Italy. Eager to devote his remaining years to a crusade against the Saracens, he was fully prepared, in 1183, to make a permanent peace with the Lombard League.

The extent to which the Italian cities were at that time favorable to the Emperor is evinced by the fact that the

The Peace of  
Constance

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<sup>1</sup> The "Truce of Venice" comprised:

- (1) a reconciliation between the Pope and the Emperor;
- (2) a peace for fifteen years between the Emperor and the King of Sicily;
- (3) a definitive peace with the Emperor of Byzantium;
- (4) an agreement to mediate the complaints and controversies between the Papacy and the Empire;
- (5) a truce with the Lombard League for six years from August 1, 1177, to August 1, 1183.

CHAP. VI  
A. D.  
1125-1190

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citizens of Alexandria, — the symbol and citadel of Lombard independence, — about four months before the expiration of the Truce of Venice, freely changed the name of the city and, in honor of the Emperor, called it "Caesarea."

At about the same time, in anticipation of the expiration of the truce on August 1, 1183, the rectors of the Lombard League being assembled at Piacenza, Frederick sent to them four ambassadors to discuss the question of the permanent peace. The negotiations were neither difficult nor prolonged. The League prepared its petition; the plenipotentiaries accepted it without objection; and on April 30, 1183, the preliminaries were solemnly subscribed.

For the act of ratification, the deputies of the League were invited to be present at the Diet of Constance. There, on June 25, 1183, the Emperor signed the memorable act known as the Peace of Constance.<sup>1</sup>

Although often referred to as a "treaty," the form of the peace was not that of a compact but an imperial concession. The cities obtained all the privileges which they had been contending for: the right of association, the right to fortify and to possess munitions of war, the right to choose their consuls, the ratification of all concessions made by preceding emperors, and the enjoyment of all usages and customs exercised *ab antiquo*.

Thus, the Lombard communes became vassals of the crown, with extensive rights of local jurisdiction and administration. Barring their relation to the Emperor, they became free and independent political communities, — city-states within the Empire, — soon to ripen into full-fledged republics with all the accessories of war and diplomacy belonging to independent powers.

The work of peace having been thus accomplished, the Emperor traversed Northern Italy, this time without an army, dispensing favors on every side. The cities of Tuscany,

The close of  
Barbarossa's  
reign

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<sup>1</sup> The documents are found in Pertz, *Mon. Germ. Hist.*, IV, p. 175 *et seq.*

although they had taken no part in the war or the arrangements for peace, also enjoyed many of the benefits accorded to those of Lombardy.

If the Peace of Constance was a renunciation of those pretensions which Frederick had wasted a great portion of his life in defending, the Treaty of Augsburg, signed in October, 1184, was a diplomatic triumph which seemed of far greater importance to the control of Italy than the claims he abandoned. By this treaty a marriage was arranged between his son Henry—already chosen as his successor—and Constance, the heiress of the crown of Sicily. The Emperor seemed thus to have united all Italy under his dominion, and to have absorbed that power upon which the Papacy had so often relied to oppose the imperial supremacy.

Having participated in the splendid fêtes by which this marriage was celebrated at Milan, on January 27, 1186, the Emperor was at last prepared, in 1189, to take part in the war against the Saracens. In the course of his journey, the venerable warrior, then in his seventieth year, was drowned in Cilicia, on June 10, 1190, in the swollen flood of a mountain stream.

The mysterious character of his death invested the memory of Barbarossa with a halo of legend and ideality similar to that which the popular imagination had woven about the name of Charles the Great. The cruelty and perversity of his successor imparted to the last years of Frederick, by contrast with his noble generosity, the tradition of a veritable golden age. The legend sprang up that the great emperor, not dead, but only sleeping, would some day awake and come forth from the mountain fastnesses of Asia, to restore the glory of the Empire by a rule of law and justice.

## CHAP. VI

A. D.

1125-1190

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## CHAPTER VII

### THE DEVELOPMENT OF ITALIAN DIPLOMACY

The revived  
passion for  
dominion

**A**LTHOUGH historical events are the work of individual men, it is the general course of development which determines their aims and policies. The revival of the Roman law toward the close of the twelfth century profoundly affected the ambitions of that time and left a deep impression upon the century following. The most prominent idea engendered by this revival was the glory of the imperial past. On its political side, as we shall presently see, the first effect of this movement was to awaken universal aspirations for dominion. No one of the active forces of the time escaped from this fatal spell, and the characteristic of the age became its inability to accept natural and inevitable limitations.

The final result of this general quest for power was the rude collision of all the interests thus brought into antagonism and a desperate conflict for supremacy. The Empire disregarded the pretensions of the Papacy and the Italian cities; the Papacy endeavored to dominate or supersede the Empire; while the cities conspired to throw off both imperial and papal control, at the same time endeavoring to conquer their neighbors and subject them to their will. The factional divisions of the cities, torn by the intrigues, treasons, and revenges of the Guelf and Ghibelline parties left them powerless to defend their general interests; and after their victory over the Empire they fell into the control of local despots, whose dictatorial authority became the last resort of public order. Animated by the same passion for power as that which drove the Empire and the Papacy to their ruin, the Italian despots, guided by a wiser policy, finally estab-

lished a *modus vivendi* by creating through diplomacy an equilibrium of interests almost equivalent to federation. It was only the appeal to the foreigner that destroyed this political system, so carefully built up by Italian statesmanship, which thereby became the teacher of all Europe. It is the causes and conditions that led to this development of Italian diplomacy which now claim our attention.

CHAP. VII  
A. D.  
1191-1300

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## I. THE DOMINATION OF THE PAPACY UNDER INNOCENT III

The alliance of Alexander III, the Lombard League, and the King of Sicily had frustrated the ambition of Frederick Barbarossa to subordinate the Papacy and impose unqualified imperial authority upon the Italian cities; but the purpose thus temporarily defeated became the absorbing passion of Frederick's son, Henry VI, who joined to the brilliant talents of his father a merciless and calculating cruelty that never hesitated to employ whatever means were necessary to the accomplishment of his ends.

The plans of  
Henry VI for  
a world-mon-  
archy

The merging of the Kingdom of Sicily in the Empire by the marriage of Henry with Constance, the dissensions of the Italian cities, the ability which Henry displayed in attaching Genoa and Pisa to his cause, and the helpless situation in which the Papacy was placed by the loss of its allies in Italy, combined to favor the accomplishment of Henry's bold designs. Having won the assent of the Romans by delivering to their vengeance the little city of Tusculum — always the object of their hatred — he easily obtained the imperial crown, on April 15, 1191, from the reluctant hand of the terrified pope, Celestine III, who beheld with dismay the triumphant progress of the new emperor toward the realization of the world-monarchy of which Frederick I had dreamed.

Three obstacles stood in Henry's path: the opposition of Tancred, whom the Kingdom of Sicily had accepted as a national king; the alliance with Tancred of Richard Coeur de Lion, King of England; and the hostility of Henry of

## CHAP. VII

A. D.  
1191-1300

Brunswick, son of Henry the Lion. Although he was at first repelled by Tancred, these obstacles were soon swept from the Emperor's path. Richard Coeur de Lion was made a prisoner in Germany, and compelled, as the price of his liberty, to place England under vassalage to the Empire; Henry of Brunswick was bought off with a marriage to a cousin of the Emperor; and Tancred, thus isolated, would have been overwhelmed, had he not died in 1194.

All opposition being thus removed, Henry confirmed his mastery of the Kingdom of Sicily by a terrific desolation of the land. His brother Philip was put in possession of Tuscany and married to Irene, daughter of the Eastern Emperor, Isaac Angelus, — she having been captured at Palermo, where she had been left a widow by the death of Tancred's son. With the pretext of defending his new relative, Henry planned the invasion and conquest of the East, whither he sent spies and revolutionists to aid his cause, while his ambassadors established relations with the oriental monarchs, demanding vassalage of the King of Armenia, and receiving it freely from the King of Cyprus.

Henry's methods of procedure

Infatuated with the vision of universal empire, Henry decided to make Italy the centre of his realm and Rome his capital. In order to secure the succession in Germany to his dynasty, at a diet held at Würzburg in April, 1196, he proposed to the princes that, after the manner of the French monarchy, the Empire should be made permanently hereditary, and his young son, Frederick, named as his successor. Fifty of the magnates yielded to this suggestion; but when the menace of Henry's presence was withdrawn, the Saxon nobles succeeded in thwarting his design, although young Frederick — then only two years old — was chosen "King of the Romans."

Unshaken in his confidence by this check to his plans, Henry steadily pushed forward his preparations for a double expansion of the Empire. In the West, Philip Augustus, King of France, had been his friend and ally; but, hoping to profit from his embarrassment and reduce his kingdom



also to vassalage, the Emperor incited Richard Coeur de Lion against him.<sup>1</sup> But it was toward the East that his energies were chiefly bent, in the hope of recovering that portion of the ancient Empire. Having demanded of Alexis III, the new emperor at Byzantium, the surrender of his western provinces, he concentrated his troops in Southern Italy preparatory to an eastern expedition. It seemed as if the world had received a new master whose power was beyond dispute.

But the severity of Henry's rule had deeply stirred the heart of Italy against him. He had stamped out resistance in Sicily with a brutal ferocity, burning his enemies alive and causing a pretender to the throne, Jordano, to be crowned with hot iron. Everywhere, fear only concealed the hatred that slumbered in the hearts of the people.

The death of  
Henry and  
revolt of Tus-  
cany

The timid pontiff, Celestine III, who had for a time engaged in secret operations against the Emperor, while pleased with Henry's pretended crusade, had not ceased to regard him with aversion. Although, at the time of his coronation, Henry had promised to respect the papal rights in Tuscany, he had not only failed to keep his pledges, but had made his brother Philip Duke of Tuscany and regent of Central Italy, under whose oppressive rule the Tuscan cities had felt the tyranny of Henry's power. The attempt to impose the "fodrum" as a permanent tax, in order to supply resources for the Emperor's military expedition, greatly increased the aversion to his rule, and the cities were only awaiting an auspicious occasion for revolt.

The purpose of the secret mission of Cardinal Pandulf to the Tuscan cities, whither he was sent by the Pope in March and April, 1197, was revealed, when, on September 28 of that year, the population caught from the lips of breathless

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<sup>1</sup> There was good reason for Richard's hostility to Philip Augustus, who had robbed him of his lands during his imprisonment; but Henry VI wished to engage the two monarchs in conflict while he carried out his own schemes of aggrandizement.

CHAP. VII

A. D.  
1191-1300

messengers the joyful news of Henry's sudden death, leaving as his successor his infant son. Philip had just returned from Germany with a small force, when, unaware of the Emperor's death, he found himself in the midst of a general uprising which compelled him to flee northward over the Alps, followed by the anathema of the aged pope. The foundations of the Tuscan League had already been laid by the papal legate's busy hand.

The Tuscan  
League

A few weeks after the Emperor's death, on November 11, 1197, in St. Genesio assembled a Tuscan parliament composed of the consuls of Florence, Lucca, Siena, and San Miniato, and the Bishop of Volterra. A treaty with the Holy See had been prepared which was sworn to in the Church of St. Christopher.<sup>1</sup> In union with the Papacy, a permanent peace was pledged between the signatories "in the name of the Father, the Son, and the Holy Ghost." All the remaining cities, bishops, and counts of Tuscany were invited to adhere, and opposing cities might be compelled to join the League. This last provision was directed particularly against Pisa; which in exchange for special imperial favors had been in close relations with the Emperor. Each member of the League was guaranteed security in the management of its own affairs and forbidden to encroach upon the rights of others. As an evidence of sincerity, Poggibonsi, which had been an object of contention between the Florentines and the Sienese, was permitted to enter as an independent member. Peace was not to be concluded with "any emperor, king, prince, duke, or margrave" without the consent of the majority of the confederates. The relation of the League to the Apostolic See could not in any case be changed, and no emperor, king, duke, or margrave could be recognized by any member without the consent of Rome. The rectors chosen by the League were to assem-

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<sup>1</sup> The act by which the Tuscan League was concluded was discovered in the archives of Siena, and printed by La Farina, *Studi sul secolo XIII*, I, p. 239.

ble at least three times a year and name a prior, whose tenure of office should be of four months' duration. Three weeks after its formation, Arezzo joined the League, and soon afterward Count Guido Guerra and Count Hildebrand of Aldobrandesca also entered it. For the first time in history, a confederation had been formed for the purpose of ending imperial domination in Italy. The doctrine of municipal liberty had been carried far beyond the modest aspirations of the Lombard League.<sup>1</sup>

CHAP. VII  
A. D.  
1191-1300

With vigorous energy, the Tuscan League began its task of destroying the residue of imperial power in Central Italy. To this end, each of the cities made war on the feudal barons in its neighborhood, thus reducing to their authority the surrounding territory. Opposing cities were dealt with in a similar manner, and all were forced either to enter the League as members or incur its permanent hostility.

The operation  
of the League

Pisa, which had enjoyed every immunity at the hands of the Emperor, fearing the loss of all its prestige, stubbornly refused to join the confederation. The League was seriously incomplete so long as the sea-power of Pisa was not united with it, for this was not only an important factor of the Emperor's control of Italy, but was especially necessary for that defence of the Papacy which had formed one of the purposes of its first promoters. The whole power of Celestine III was therefore added to the menaces and inducements of the League, in order to compel the adherence of Pisa. The papal interdict which was directed against the city had the effect of dividing the councils of its population, but failed to change its attitude of resistance.

Such was the state of Italy when, on January 8, 1198, Pope Celestine III passed away; and on the same day Cardinal Lothair, of the noble family of Segni, was unanimously chosen as his successor, under the name of Innocent III. This gifted

The acces-  
sion of Inno-  
cent III

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<sup>1</sup> The purpose of the Lombard League had been simply to defend the communal liberties already acquired. The Tuscan League was intended to end the dominion of the Emperor altogether.

CHAP. VII

A. D.  
1191-1300

and accomplished man, endowed with rare qualities of statesmanship, yet deeply interested in the cause of religion, trained in both the Roman and the Canon law in the schools of Paris and Bologna, and filled with youthful energy and courage, perceived in the situation which the death of Henry VI had created an unequalled opportunity for consolidating Christendom by means of the Papacy.

Inspired, no doubt, by the noblest of motives, Innocent III conceived the bold idea of substituting the Papacy for the Empire in the dominion of the world. The cruelties of the late emperor, the revolt of Italy against the German domination, the rise of national monarchies outside of the imperial domain, and the unsettled and divided state of Germany itself, all combined to justify the policy of Innocent as essential to the unity of the Church. At a time when Europe was thus broken up and dismembered, when its very life was threatened by the feebleness of the schismatic dynasty at Byzantium and the rising power of the Infidel in the East, it was but natural for the Pope, whose talents were equal to the largest enterprise, to consider himself the potential centre of the Christian world.

Innocent's  
theory of the  
Papacy

Assuming the point of view which Gregory VII had taken in circumstances not dissimilar to those by which he was surrounded, Innocent III carried that great pontiff's theory to its logical conclusions. The Sovereign Pontiff — not the "Vicar of St. Peter," but like St. Peter the "Vicar of God" alone — is superior to all earthly monarchs. The Emperor is his delegate and lieutenant for the defence of Christendom and the peace of the Church. Kings and princes who are beyond the authority of the Emperor are all and equally under the rule of the Pope, and are subject to his will as the only truly universal power on earth. The faithless depositories of this power — which the Pope may delegate as he wills — may be stripped of all their titles to authority; for they are his vassals, as God's representative. As all property is the gift of God, only the spiritually regenerate have a right



to it; and from those who misuse it the Pope, as God's vicar, may rightly take it away.

From this doctrine it results: (1) that the Papacy may rightly exercise the power of the Emperor when the Empire is vacant; (2) that when the electors have named an emperor, the right of ratification belongs to the Pope; (3) the coronation of the Emperor by the Pope is indispensable to his imperial authority; and (4) the investiture of the Emperor, received at the hands of the Pope, may be withdrawn by him, as any other fief may be withdrawn from an unfaithful vassal.

With such conceptions as these, it is easily imagined what reserve the new pope regarded the aims and purposes of the Tuscan League. Proud of his achievements in effecting its organization, and seeing in it a great defence for the spiritual freedom of the Papacy, Cardinal Pandulf, soon after Innocent's consecration, sent a messenger to Rome to ascertain the policy of the new pontiff toward the confederation. To his mortification, the approval which he expected was not received. The Pope had seen a new vision. With Northern and Central Italy delivered from the presence of the Germans, with Sicily under a regency in alliance with the Papacy, with Germany divided regarding the imperial succession, it was the Pope who was to be thenceforth master in the entire peninsula. Italian unity may have entered into the calculations of Innocent III; but, if so, it was the unity of Italy subordinated to the Pope as its temporal sovereign. For what purpose, then, could he be expected to favor the extension of local freedom and general federation, which had appeared so useful as instruments for staying the hand of Henry VI? Was there not in the growth of this new spirit of republicanism a danger for the realization of his conception of the papal office, as well as a restraint upon imperial tyranny? For the moment, the imperial ascendancy was no longer the peril of the hour. That had been buried in the grave of Henry VI. The real danger was the formation of a new power in the Italian peninsula that would bid defiance to

CHAP. VII

A. D.

1191-1300

Attitude of  
Innocent III  
toward the  
Tuscan  
League

CHAP. VII

A. D.  
1191-1300

the papal control. All, therefore, was to be manipulated with reference to one central idea, — the ascendancy of the Papacy.

Accordingly, in the month of February, the Pope replied to Cardinal Pandulf's question by informing him confidentially that, in existing circumstances, the confederation appeared to be "neither useful nor honorable," — not useful, because the reason for its formation had disappeared with the death of the oppressor; not honorable, because the compact overlooked the underlying rights of the Holy See to sovereignty over the inheritance received from the Countess Matilda.

The Pope's  
negotiations  
between Pisa  
and the  
League

But, although the independence of the Tuscan cities was doomed in the mind of Innocent III, he did not fail to utilize the situation and the influence of the League for his own purposes. Despatching a cardinal to communicate and accomplish his wishes, he gave instructions by which his supremacy might be recognized and the League rendered compliant as the serviceable organ of his will. For this purpose, without destroying it, the treaty was to be so changed as to put the confederation in his power. The first step in this process was to place in opposition the interests of the League and those of Pisa, so that he might become the mediator between them. Thus he hoped to use each for the accomplishment of his wishes with the other.

The interdict which Celestine III had imposed upon Pisa had not proved wholly ineffectual, since a party favorable to submission had been formed in the city. The representatives of this party had appeared before the Pope, leading him to believe that the city would ultimately bend to his will. He then instructed his legates to urge the reception of Pisa into the League only on condition that the city would yield to the Pope's demands. If Pisa still declined to join the confederation, the interdict should not be raised. If, on the other hand, the rectors of the League did not admit the papal claims, they were to be punished by the removal of the interdict from Pisa. By this ingenious device, Innocent intended to force both sides to recognize him as supreme.

But the negotiations of Innocent with Pisa and the Tuscan League formed but a small part of his varied activities. Coming to the papal office with a clear and distinct purpose in his mind, he intended to win first Rome, then Italy, then the world. Capturing the Roman populace with generous largesses, the day of his installation was made the beginning of his triumphs. By favoring circumstances he alone was great in Rome. The prefect of the city, who, as the Emperor's representative, had taken the place of the imperial *missus*, now that his master was dead, was glad to renew his authority at the hands of the energetic and popular pope. The Roman commune had, under Henry's autocratic reign, retired into the background; and the Senate of fifty-six members had been reduced to a single "Senator of the Romans," who stood for what was left of communal rights and liberties at Rome. This office, likewise, was promptly and voluntarily surrendered into the hands of Innocent III; and thus, without an effort, he found himself the sole master of the city, — the recognized source of all power and authority.

From this centre of ever-widening influence, the Pope availed himself of every opportunity to extend his power. All Italy had suffered from the reign of force imposed by the Germans, and everywhere it was the Pope who seemed to be the one common bond to unite the interests of the peninsula. In 1195, the Lombard League, whose territories were just beyond the borders of the Patrimony of St. Peter, and whose members were therefore less fearful of papal absorption than the independent party in the Tuscan cities, had revived the old confederation for self-defence against the Emperor, and was now disposed to form close relations with the Pope. In Romagna and other parts of the ancient Papal State, — which had been practically divided up among the German feudal lords, — popular sentiment, at the instigation of Innocent III, rose in revolt against the invaders, who were driven out, and the lands restored to the papal dominion. Thus on every side the Pope rapidly repaired the broken fortunes of

## CHAP. VII

A. D.  
1191-1300The nature  
of the papal  
monarchy

the papal monarchy, and, by rendering it secure in Italy, enabled it to advance its projects throughout the world.

It would be, however, a gross misconception to think of the papal monarchy as a system of political absolutism. It was no part of the papal theory, as held by Innocent III, to regard the Pope as a universal temporal monarch, or Rome as a centre of domination in all particulars. The papal conception was entirely compatible, when properly understood, with local sovereignty; and Innocent III fully recognized certain rights of self-government, even at Rome, by permitting its parliament to discuss and determine matters pertaining to the fiscal and civil interests of the city, and even its foreign relations.<sup>1</sup>

It was supremacy in the realm of religion and morality that Innocent III had in mind when he proclaimed the superiority of the papal to the royal or the imperial authority. In Italy, for the security of his spiritual freedom, he wished also to be recognized as king; yet we shall see him sometimes actually promoting the interests of the Empire. His motive was not, therefore, to merge the spiritual authority in the civil, nor the civil in the spiritual, but to subordinate the one to the other in such a manner as to guarantee the peace of the Church and the security of its Head.

Henry VI had imposed upon Italy a feudal monarchy, of which he alone was the suzerain. In establishing this monarchy he had wholly ignored all those securities for the freedom of the Papacy which the Carolingian emperors had introduced. He had thereby not only divested the Papacy of the protection which its ancient policy had built up, but he had imposed an alien yoke upon the population of the former Papal State. To overthrow this system, and to render it forever impossible by placing Italy under the protection of the Pope, became the Guelf ideal of Italian politics.

But there were two ways of realizing this ideal, of which the Tuscan League adopted one, and Innocent III the other.

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<sup>1</sup> See Gregorovius, *Geschichte der Stadt Rom*, V, p. 25.



The Tuscan cities had formed their confederation, as we have seen, in order to maintain their independence under the protection of the Pope. They had sworn to defend him, and had made his safety one of their primary objects. Had Innocent III been less of a lawyer and more of a philosopher, he might have perceived that the Tuscan League offered him every advantage that he needed; but he could not dismiss from his mind the territorial rights which he believed the Papacy had inherited from the Countess Matilda, and was unable to see that they were overbalanced by the larger rights of independent self-governing communities.

In building up the Patrimony of St. Peter, Innocent III had no wish to destroy the Empire, already so weakened as to render its survival doubtful. On the contrary, it was a part of his policy to employ the imperial prestige as an instrument of the papal power: first, by using such forces as the Empire still possessed to aid the Papacy in its struggles with the rising national sovereigns; and, secondly, to prove the superiority of the Papacy over all kings and princes by establishing the papal supremacy over the Empire. To accomplish these purposes, however, it was necessary to subordinate the Emperor to the Pope, and this was the persistent endeavor of Innocent in all his public acts.

The Papacy  
and the  
Empire

The relations in which he conceived the two chief powers of Christendom to stand to each other are well expressed by him in the following words: "God, who has placed in the firmament of heaven two luminaries, a greater which presides over the day, and a lesser which illuminates the night, has in like manner instituted in the Church Universal two dignities, a greater to rule over souls, and a lesser to rule over bodies; the one is the papal power, the other is the royal. And, as the moon, less noble in grandeur and constitution, receives light from the sun, so also the royal authority receives the splendor of its office from the papal authority."<sup>1</sup> It is evident that upon this theory, so long as their intended

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<sup>1</sup> *Innocentii III Epistolae*, I, 401.

CHAP. VII  
A. D.  
1191-1300

relation was maintained, the importance of the Papacy could suffer no diminution by the power and glory of the Empire.

All the circumstances of the time were favorable to the application of Innocent's theory; and with perfect consistency he put it into practice. When Constance, the widow of Henry VI, found the Norman barons of her Sicilian kingdom disposed to drive out the Germans and to repudiate her little son Frederick, she appealed to the Pope as the only power able to save her kingdom for her child. Innocent came to her rescue and offered to secure the throne for Frederick, if she would place the kingdom in vassalage to the Papacy. The terms were accepted; and Frederick, — committed by his mother to the guardianship of Innocent, upon her death at Palermo in November, 1198, — after a struggle with the feudal opposition, was received as King of Sicily.

But in accepting the tutelage of Frederick, the Pope assumed no responsibility for the recognition of his *protégé* as successor to the Empire. The infancy of the King, the interests of the Papacy, and the divided state of Germany were all in conflict with such a recognition. While the separation of Sicily from the Empire was necessary for the papal control of Italy, it was equally important for the peaceful possession of that kingdom by its infant monarch. When, therefore, the rival claimants for the imperial crown in Germany — Philip of Suabia, the brother of the late emperor, and Otto of Brunswick, son of Henry the Lion — ultimately brought their controversy to him for his decision, he included the renunciation of Sicily as an essential condition of receiving the imperial crown.

Innocent's  
Italian di-  
plomacy

The ten years' war waged by Philip II and Otto IV in Germany left Innocent a practically free hand in Italy. Both Pisa and the Tuscan League, however, continued to resist his will, — the former by refusing to join the confederation, and the latter by maintaining the independence of the cities as against the papal claims of vassalage. Seeing in the League the stronger opponent of his will, he at first endeavored to prevent its further development. Perugia had

concluded a preliminary treaty of accession to it; but the Pope objected that the honor and advantage of the Church were not sufficiently safeguarded in it, and prevented its execution. Viterbo was also counselled to withhold its membership until the papal interests were better provided for by the confederation. These actions only strengthened the obstinacy of Florence—the chief beneficiary of the compact—now rapidly becoming a strong and independent power, and fearing the double dealing of the Pope, whose only interest appeared to be the enlargement of the Patri-mony of St. Peter. Unable otherwise to force the League to yield to his wishes, Innocent then tried the experiment of raising the interdict against Pisa, at the same time preventing the confederation from taking any active measures against the city. Still failing to move the imperturbable Florentines, he even intimated that the time might arrive when he would ally himself with the Empire to enforce the proper conduct upon the League. A year later, in 1199, the Pope appears to have promoted secret agitations in the Florentine territory in favor of Otto IV; for the city authorities required the monks to swear that they would make no compact with the Pope or the Emperor. When he had finally failed to bend it to his purpose by diplomatic action, he was content to remain the “protector” of the League; but Florence had by that time become not only distrustful of the papal influence, but strong enough to retain the entire direction of affairs. The city, by its conquests and annexations, as well as by the steady growth of its wealth and commerce, had developed into a vigorous republic, able to pursue its way without regard to either popes or emperors. The forces of the League had been dexterously employed to build up the power of Florence as an independent state. By 1202, the city had passed entirely beyond the reach of the papal control. In such circumstances, only one course remained for Innocent III to adopt,—to appear to be the suzerain of the League by assuming the enforced rôle of acting as its patron and protector. This, therefore, continued to be his

CHAP. VII  
A. D.  
1191-1300

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Innocent III  
and the fourth  
crusade

attitude until the confederation was virtually dissolved by the Florentine absorption of its chief advantages.

It would be an injustice to the character of Innocent III to regard him as the mere incarnation of worldly domination and political intrigue. If he carried the idea of temporal power to a greater length than any of his predecessors, it was because the aspiration for power was the characteristic of his time, and the possession of authority seemed the only way to insure the right regulation of the world. It is necessary to judge the sentiments and actions of an age by the standards of the time. Thus judged, Innocent stands out as the embodiment of religious enthusiasm raised to a position of high potentiality. The Church was the only really European institution of that day, and the Papacy was the almost universally recognized authority in the Church. To extend and strengthen its powers, and to bring all men under its sway, were, therefore, from the papal point of view, the highest service that could be rendered to humanity.

The religious sincerity of Innocent III was shown in the anxiety he felt for the rescue of the world from the Infidel; but the crusade which he proclaimed — known as the fourth crusade — was in a certain sense the papal continuation of the imperial design entertained by Henry VI and spared to history by his sudden death. Undertaken with different motives, it ended in the result at which the Emperor had aimed, — the Latin conquest of the East.

The Eastern Empire had fallen into general decay. The rise of the maritime cities of Italy, — Pisa, Genoa, and especially Venice, — whose development had been promoted by municipal liberty and the activities of the earlier crusades, had deprived Constantinople of its former importance and diverted much of its commerce to other Eastern ports. The dynastic revolutions of the Byzantine Empire had weakened its vitality and divided its aims; so that at the moment when the fourth crusade was about to start upon its way, a strange adventure was awaiting it.

Only princes of the secondary order responded to the eager



call of Innocent III to invade once more the Holy Land. The horde of knights and adventurers who finally assembled for the crusade contained no conspicuous figure; for in reality the age of the crusading spirit was already past, and the best energies of Europe were devoted to building up the kingdoms that were soon to be transformed into great national states.

CHAP. VII  
A. D.  
1191-1300

Seeking for transportation to the East for the army now ready for departure, in 1201 ambassadors appeared at Venice to make terms. By a shrewd bargain with the crusaders, the Doge, Henry Dandolo, obtained for the Venetians the promise of eighty-five thousand marks of silver as the price of transportation, and one half of all the booty and conquests that the expedition might acquire.

The transactions with  
Venice

After long delays, the knights and soldiers arrived in Venice, but, not having paid the sum agreed upon, were unable to depart. Seeing that the payment of so much money was impossible, the Venetians proposed to accept services instead. While the crusaders were engaged in the capture of the Dalmatian city of Zara, in the interest of Venice, Alexis, son of the deposed Greek emperor, Isaac Angelus, arrived in Venice to seek aid in the restoration of his father. The Venetians were quick to turn their opportunity to account. The crusaders were promptly transported to the East, and a siege of Constantinople reduced it to their power. Isaac Angelus was then restored to the throne and his son associated with him, but both were soon murdered in a palace revolution, and a usurper assumed the crown.

A new occasion was thus presented for Venetian intervention; and on April 12, 1204, Constantinople was again captured. This time no attempt was made to set up a Byzantine claimant to the throne. The second part of the contract between the crusaders and the Venetians was now put into execution,—the equal division of booty and conquests. The entire Empire was formally confiscated. The two great dignities were first divided,—the Crusaders naming Count

CHAP. VII  
 A. D.  
 1191-1300

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Baldwin of Flanders emperor, while the Venetians, with keener insight and better appreciation of values, bestowed the office of patriarch on Thomas Morosini, reserving important commercial monopolies at Constantinople, which their unlucky partners were bound to protect. The division of territories was equally sagacious on the part of the Venetians. Leaving to the knights the empty titles of a feeble feudal empire and the interior of the country,—which had still to be conquered and subdued against the will of a hostile population not yet wholly powerless,—the Venetians took most of the important ports and islands, economically and potentially the better half of the Empire.

“The Latin  
 Empire of the  
 East” and the  
 expansion  
 of Venice

Thus was founded the “Latin Empire of the East,”—an unreal and evanescent apparition, whose chief interest to European history lies in the influence which residence in a land of more mature civilization had upon the destinies of the West when the adventurers returned.

Deeply chagrined and disappointed by the results of the crusade, Innocent III denounced the adventurers in terms which absolved him from any participation in their exploit. During the two generations of the Latin occupation, however, the Papacy did its utmost to Latinize the East and to destroy the Greek schism which had so long divided Christendom; but these efforts were in vain, for the Greek religion proved an impassable barrier to the advance of the Latin conquerors; and the attempt of the feudal lords to grasp for their junior sons the best offices of the Eastern Church, and to impose a strange ritual upon the people, only deepened the bitterness with which the Greek population regarded the intruders.

It was Venice which enjoyed nearly all the material advantages of the Latin conquest. Thenceforth, until the day of retribution came, the monopoly of the eastern trade was in Venetian hands. After a long rivalry, Venice had triumphed over Genoa on the sea. A mere city-state, secure among its islands, Venice suddenly acquired a colonial empire, and became the only real power in the newly conquered

realm. But this triumph was not an unqualified advantage. Together with colonial dominion came perplexities and responsibilities that complicated the problems and machinery of the state, which necessarily became more centralized in the hands of a few persons. Exposed to all the hostilities of the East, involved in bitter wars with Genoa, — whose maritime development was threatened with extinction, — drawn into all the jealousies and antagonisms of Italian politics by the endeavor to acquire territory upon the mainland, the Venetian Republic entered upon a new career of glory, brilliant and fascinating, but stormy and hazardous. Eternal vigilance became essential to its national existence, and diplomacy the necessary instrument of its preservation. Wherever there was power to hurt or to help, there the skilled agents of the Republic watched and negotiated. Administrator and beneficiary of the broken fortunes of Byzantium, all the arts and traditions of the Greek chancellery became the possession of the Venetian statesmen and diplomatists, and all were sorely needed to guide the ship of state through unceasingly troubled waters.

There was a double reason why Innocent III opposed and lamented the diversion of the fourth crusade to the capture of Constantinople. The first element of his disapprobation was the perversion of a sacred enterprise to an unholy purpose; the second was the fact that Isaac Angelus, whom the crusaders had restored to his throne, being the father of Irene, wife of Philip of Suabia, was likely to support the claims of Philip to the imperial crown in the West, in exchange for the large financial contribution he had made for his father-in-law's restoration.

While events in the East were exciting fears lest the Hohenstaufen power might be restored through Philip's future recognition at Byzantium, an opportunity was presented of dealing him a deadly blow. Both Philip and Otto appealed to the Pope to confer upon them the imperial crown in the West. Gladly accepting the office of arbiter between them, Innocent declared: "The settlement of this

CHAP. VII

A. D.  
1191-1300Innocent III  
as arbiter of  
the Empire

CHAP. VII  
A. D.  
1191-1300

matter belongs to the Apostolic See, mainly because it was the Apostolic See that transferred the Empire from the East to the West, and ultimately because the same See confers the imperial crown."<sup>1</sup>

On March 1, 1201, the Pope rendered his decision in these terms: "We pronounce Philip unworthy of the Empire, and absolve all who have taken oaths of fealty to him as king. Inasmuch as our dearest son in Christ, Otto, is industrious, provident, discreet, strong, and constant, himself devoted to the Church, and descended on each side from a devout stock, we, by the authority of St. Peter, receive him as king, and will, in due course, bestow upon him the imperial crown." The price which Otto paid for the papal favor was the promise to respect the claims to Sicily of young Frederick, now a vassal of the Papacy, and all the possessions of St. Peter, including the bequest of the Countess Matilda.

But Innocent III not only thus subordinated the Empire to the Papacy in the West, he embraced his equally advantageous opportunity in the East. Count Baldwin of Flanders received his crown at Byzantium from the hands of a papal legate sent for the purpose, and the consecration of Morosini as Patriarch of Constantinople completed the pre-eminence of Rome over the new Latin Empire. Thus, by the adroit

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<sup>1</sup> "Dans le grand débat engagé au sujet de la succession de l'Empire entre Frédéric II, Philippe de Souabe et Othon de Brunswick, la compétence d'Innocent III à décider sur la validité de l'élection est reconnue par tous les partis." — Huillard-Bréholles, *Étude*, p. 132. See also the "*Deliberatio of 1201*," in Baluze, *Epistolae*, and in Bréquigny, II, p. 646.

While Innocent III assumed the right to decide between the contestants for the imperial authority, he did not presume to exercise this authority himself. The decision of important matters was left in suspense until the question of the imperial claims was concluded. See Huillard-Bréholles, *Étude*, p. 132; the letter of Innocent III of June 7, 1201, relative to the disputes of the Cremonese with the Abbé of St. Sixte; and the reply of the Pope of December 8, 1204, postponing the contest over Guastalla and Luzzara until an emperor was legally crowned, in Ficker, *Urkunden*, IV, pp. 261, 262.



use of two dangerous situations, the Pope became the supreme head of a reunited Christendom.

CHAP. VII  
A. D.  
1191-1300

The contest in  
Germany and  
coronation of  
Otto IV

In disposing of the crown of the Empire, the Pope paid no respect in his verdict as arbiter to the electoral rights of the Germans. In fact, as in doctrine, Innocent wholly ignored, and intended to ignore, this element of imperial right. He meant by it to signify that the Empire was the creature of the Pope. Even many of the ecclesiastics as well as the lay nobles of Germany declared that the pretension thus put forth was not only novel, but presumptuous. The Germans who favored Philip were now strengthened by the support of those who rejected the new doctrine, and in a few years the sword had reduced Otto to a point of feebleness so extreme that Innocent, weary of the long contest, proposed to Otto that he should yield to his rival's claims. In June, 1208, however, the situation was suddenly changed through the murder of Philip by the hand of a private enemy. As there was no Hohenstaufen candidate ready to oppose him, Otto was supported by the functionaries of the Empire, married the daughter of his rival, and by a fresh election obtained general recognition. All opposition being thus removed, he proclaimed himself "King by the grace of God and the Pope," pledged his services to the Holy See, and on October 4, 1209, under the protection of soldiers assembled to guard him from attack by the distrustful Romans, received from the hand of Innocent III, in St. Peter's Church, the crown of the Empire.

The rupture  
between Otto  
IV and Inno-  
cent III

But Innocent III was frugal in the honors he bestowed, in order that the world might know and feel the papal superiority. When, in 1204, the knightly young prince, Peter of Aragon, who had bravely battled against the Moors in Spain, came to Rome to accept from the hand of Innocent the crown of his kingdom, the Pope received him with honor; but the coronation did not take place in St. Peter's Church — reserved for greater occasions — but in the modest basilica of St. Pancras-before-the-gate. The proud Aragonese resented the indiscretion of their prince, who received as the vassal of

CHAP. VII  
A. D.  
1191-1300

the Pope a kingdom it was only theirs to give, and also the pretensions of the Holy See, which aroused their indignation. But all this only gave distinction and publicity to the power Innocent was anxious to exalt.

When Otto IV had received his crown from the hand of the Holy Father, his portion in like manner had been bestowed. It remained to show the world that the Emperor was the Pope's dependent and inferior. Accordingly, when the ceremony was over, Innocent accompanied the Emperor to the city gate at the Bridge of St. Angelo, bade him farewell, bestowed his benediction upon him, and demanded that on the following day he should withdraw from Roman territory. The Romans, even less hospitable, provoked a quarrel; and after the Pope had retired to the Lateran palace the customary battle of former times occurred between the Romans and the Germans. After severe losses on both sides, the Emperor withdrew to his camp on Monte Mario. A few days later he departed from Rome, to break his vows and resent his humiliation.

The conflict  
of Otto IV and  
Innocent III

The parvenu Guelf was now suddenly transformed into the most incorrigible of Ghibellines. Forgetting the means by which he had become emperor, Otto IV proceeded to occupy Central Italy and establish his power there. Entering into the inheritance of the Countess Matilda, he struck at the point most vulnerable in the feelings of the Pope. All the autocratic policies of Henry VI were put in practice; and the hungry counts and barons, whom the new order of things had for a time suppressed, now swarmed about the Emperor to receive fiefs from his hands. "I repent of having made this man!" was the cry wrung from Innocent, as he beheld the undoing of his work. The Tuscan League, which, had it been promoted and enlarged, might now have withstood the Emperor, had disappeared. The Lombard cities hoped to escape oppression by uniting in their own interests. Southern Italy was soon to be invaded, and the rights of young Frederick were to be ignored by the Emperor, who

recalled the importance which Henry VI had attached to the union of Sicily with the Empire.

In this great emergency Innocent did not hesitate. On November 18, 1210, after futile negotiations, in which the Pope haughtily proclaimed his rights, the Emperor was placed under the ban. In reply, Otto redoubled his efforts to subdue Southern Italy. Pisan ships and Saracen mercenaries were ready to convey his troops to Sicily; but Innocent had an army at his command more formidable than that of Otto. The papal legates in Germany sent out multitudes of monks to proclaim the wrong done to the Holy See. The hand that had created the Emperor was able also to destroy his power. A strong party of opposition was soon built up; and Frederick of Sicily, now in his eighteenth year, was invited by an assembly of the magnates at Nuremberg to come to Germany and receive his election and coronation in the place of the deposed Otto. The defeated Emperor abandoned Apulia in November, 1211, and proceeded to Northern Italy. His journey was a bitter disenchantment. The cities regarded him with coolness and dislike, and in the spring of 1212 he recrossed the Alps to find his cause without popular support. Hoping to redeem his fortunes by a war with Philip Augustus of France, in alliance with John of England he fought the disastrous battle of Bouvines on July 27, 1214, and after his defeat his influence in Germany entirely disappeared.

Innocent III was now at the zenith of his success and influence. For many years he had engaged in a fierce struggle with the King of France, who had put away his wife, Ingeborg, sister of Canute VI, King of Denmark. Throughout the whole of his pontificate, Innocent had defended the rights of the rejected queen. In February, 1200, he had pronounced an interdict forbidding the rites of the Church in the lands subject to the King of France. In 1201, the death of Agnes of Meran, whom Philip had married, rendered a solution less difficult, but Philip still maintained that the union with his Danish wife was not only repellent to him,

The triumphs  
of Innocent  
III

CHAP. VII

A. D.  
1191-1300

but had been accomplished by witchcraft. It was not until 1213 that Philip finally yielded, restored to her rightful place the wife from whom he had held aloof for twenty years, and became the most faithful and useful ally of the Papacy.

A multitude of less important kings and princes recognized their subserviency to Rome. Sicily, Portugal, and Aragon were formal vassals of the Holy See, and their kings received their crowns from the hand of the Pope. In the East and North, Armenia, Poland, Hungary, Bohemia, and Denmark all invoked his protection or mediation. Firm in the exercise of his authority and fearless in the enforcement of his will, Innocent did not hesitate to treat the most powerful princes with magisterial severity.

It was, however, in 1213 that the Sovereign Pontiff won the most impressive victory of his career, when, after a long and bitter struggle, in which Innocent had exhausted his armory of ecclesiastical weapons and employed every resource of his astute diplomacy, John of Anjou, King of England, surrendered his crown to the papal legate, Cardinal Pandulf, to receive it as a vassal of the Pope, to whom he promised an annual tribute.<sup>1</sup>

But if the true test of statesmanship is the endurance of its policies, it is impossible to rank Innocent III with statesmen of the highest order. Crafty, vigorous, and resourceful

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<sup>1</sup> In this remarkable concession King John says: "We do offer and freely concede to God and his holy apostles Peter and Paul and to our mother the Holy Roman Church, and to our Lord Pope Innocent and to his Catholic successors, the whole Kingdom of England and the whole Kingdom of Ireland, with all their rights and appurtenances . . . ; and now, receiving and holding them, as it were a vassal, from God and the Roman Church, . . . we perform and swear fealty for them to our aforesaid Lord Pope Innocent. . . . As a sign . . . of this our perpetual obligation and concession, we will and establish that from the proper and especial revenues of our aforesaid kingdoms, . . . the Roman Church shall receive yearly a thousand marks sterling," etc. For the full text, see Henderson, *Select Documents*, p. 430, and Stubbs' *Charters*, p. 284.



in accomplishing his immediate purposes, he was not endowed with that clear vision of permanent human relations which is the highest attribute of statesmanship. He failed to see that nothing is so perilous as success, especially if won by doubtful means. By raising the Papacy to the height of a universal despotism, he prepared the way for its inevitable decline and fall. Not only the kings and princes whom he so deeply humiliated, but even more profoundly the peoples, who were just beginning to acquire national self-consciousness, resented the pretensions of the Papacy. The nobility of Aragon repudiated their king's submission to the Pope, denied his right to transfer his kingdom to a foreign suzerain, and refused to pay the promised tribute. The power of Innocent was unavailing when he gave to King John the support of his influence in condemning Magna Charta.<sup>1</sup> Rising in their might in opposition to both King and Pope, the English took their first long step toward reasserting their primitive Teutonic liberties in resistance to the Roman conception of imperial rule. The new champions of local sovereignty were soon to repudiate that conception, not only as maintained by the Empire, but as embodied in the theory of the Papacy.

## II. THE SUPREME STRUGGLE FOR THE EMPIRE

On his way from Southern Italy to Germany, in response to the invitation of the German magnates, Frederick made a brief sojourn at Rome, where he took an oath of vassalage to the Pope for his Sicilian kingdom. Crossing the Alps in

The attitude  
of Frederick  
II toward the  
Papacy

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<sup>1</sup> On August 25, 1215, Innocent absolved King John from his oath to the barons, and exhorted them to renounce their demands. In September, he directed the Archbishop of Canterbury to pronounce the sentence of excommunication against the barons for their disobedience. On December 16 the barons were excommunicated by name. The Great Charter was, nevertheless, wrung from the reluctant hands of the King. The text is found in Henderson, *Select Documents*, pp. 135, 148, and in Stubbs' *Charters*, p. 296 *et seq.*

CHAP. VII

A. D.  
1191-1300

the autumn of 1212, he was chosen king at Frankfort by a part of the nobles, but it was only by an alliance with Philip of France and the support of Innocent III that he succeeded in obtaining general recognition. The "Golden Bull of Eger,"<sup>1</sup> issued in July, 1213, in which he solemnly promised obedience to the Holy See and engaged to defend its temporal possessions, won for him the vigorous support of the papal party. The chief anxiety of Innocent III was the possibility of a union of the Sicilian kingdom with the Empire, by which, in the event of a conflict, the Patrimony of St. Peter would be again encompassed by imperial forces. To avoid this eventuality, before receiving the crown of the Empire, Frederick was to alienate the kingdom, which, under the rule of his little son Henry, — crowned "King of Sicily," for this purpose, — was to remain a fief of the Papacy.

When, therefore, in 1216, Innocent III was succeeded by Honorius III, — the former tutor of the King, — Frederick appeared to be the most obedient son of the Church, and was even called "the priests' king." "Who could be more devoted to the Holy See than the son warmed in her bosom, nourished by her milk, and grown up in her embrace? Who could manifest more gratitude for so many benefits than he whose heart is full of zeal and filial affection? . . . We desire not only to yield to you, as to your successors, and to the Holy Church, our Mother, the obedience, the respect, and the honors which our ancestors have rendered, but as far as lies in our power to increase them, as the reverence which we feel for your person requires us to do."<sup>2</sup>

Such were the professions of devotion with which Frederick addressed the venerable pontiff at Hagenau, in 1220, when he formally renewed all his promises to the Papacy. Sicily was to remain a papal fief, the inheritance of the Countess Matilda was to be restored to the Holy See, and a crusade was soon to be undertaken under his leadership.

<sup>1</sup> See for the text of this pledge, dated July 12, 1213, Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, I, p. 272.

<sup>2</sup> See Huillard-Bréholles, *Historia Diplomatica*, I, p. 742.

In 1220, Otto IV had died, the princes of Germany had been conciliated by liberal concessions, and the time had arrived when no obstacle remained to Frederick's coronation as emperor at Rome. Only one cause of disquietude existed, but this was of a serious character. After the death of Innocent III, Frederick had caused his son Henry to be brought from Sicily to Germany, and the project of having him crowned "King of the Romans" was conceived. Honorius III had been alarmed at this procedure, for he feared the King's intention to unite the Sicilian kingdom and the Empire in the person of his son. Frederick reassured him with the words: "If, by the advice of the princes we have taken these steps in favor of our son, it is not with the purpose of uniting the kingdom to the Empire, but with the intention that, during our absence in the service of Jesus Christ, the Empire may be better governed, and that, in case of our death, our son may be better able to conserve his patrimony in Germany."<sup>1</sup>

Honorius was not to be deceived by such an argument, which only served to reveal the secret purpose of Frederick. In response to a demand for the renewal of his promises, the King cheerfully gave new assurances; but with the important restriction that, in case of Henry's death, Frederick hoped to succeed him in the Sicilian kingdom, not by virtue of an imperial right but as the legitimate heir of his son.<sup>2</sup> Thus, by gradual approaches, he was preparing the way for that *coup de main* which was to be the chief act in his political programme.

Suddenly, it was learned at Rome that, on April 23, 1220, Henry had been chosen "King of the Romans" at Frankfurt. The blow had fallen. What was the aged pontiff to do? For Frederick, it remained only to reconcile the mind of the Holy Father to his act. "The Church, our

<sup>1</sup> This letter of May 10, 1219, is found in Huillard-Bréholles, *Historia Diplomatica*, I, p. 628.

<sup>2</sup> See Huillard-Bréholles, *Historia Diplomatica*, I, p. 740.

CHAP. VII  
A. D.  
1191-1300

Mother," he wrote to Honorius, "ought not to entertain either fear or distrust regarding the possible union of the kingdom with the Empire; because, as we ourselves desire the separation, the affair will end according to your wish when we are near you."<sup>1</sup>

Having thus allayed the apprehensions of the venerable pontiff, Frederick proceeded to Rome, where he received the imperial crown, on November 22, 1220, from the hand of Honorius.

The grounds  
of Frederick's  
policy

The conduct of Frederick II finds its explanation partly in the nature of his opportunity and partly in his personal character. As Innocent III had taken advantage of his youth to build up the power of the Papacy, so now he could take advantage of the indulgent old age of Honorius to win back the imperial power which his father, Henry VI, had once possessed.

With this object clearly before his mind as the end to be attained, the method of accomplishing his purpose bore all the marks of his unique personality. In him, the imperial spirit was joined to a new combination of motives and faculties. German and Norman by descent, he was Italian by residence and education. Pupil and *protégé* of the Papacy, his training had been deeply tinctured with ecclesiasticism, but also profoundly affected by the half-Greek, half-Arabic culture of Sicily. Brilliant intellectual faculties, stimulated by a cosmopolitan atmosphere, imparted to his development a finesse of manipulation and a scepticism of thought which no emperor of the Middle Ages had possessed. Poet, linguist, naturalist, mystic, sportsman, warrior, and diplomatist all at once, he united in his nature a wealth of ideas and impulses which rendered him the most modern of mediaeval rulers. More than any other person of his time, Frederick II marks the transition from the mediaeval to the modern order of ideas. The last of the great emperors, he was the first of modern kings, the prototype of a new race of rulers.

<sup>1</sup> Letter of July 13, 1220, Huillard-Bréholles, *Historia Diplomatica*, I, pp. 803, 804.



Realizing the nature and extent of the power built up by the Papacy, he perceived that the restoration of the Empire was not to be accomplished by force but by organization. He saw that the Empire could never be successfully ruled from Germany, partly because feudality there presented too many formidable obstacles, partly because Italy was the seat of rivalry to the imperial pretensions. Germany could be held in allegiance to the Empire only by promoting the power of the princes to a point where the land could be ruled through them. Italy, on the contrary, could be reorganized on a basis of absolutism, but only by a system of concentration. Here, feudalism must be rooted out, a central power established, the will of the monarch made supreme. From this centre, imperial authority could be extended, the Papacy held in check, and local rulers brought into subordination; thus, finally, the Empire could be reconstituted.

It was to this task that Frederick now turned the energies of his vigorous mind. Leaving Germany to the rule of the great princes, bound to himself by new concessions of authority, he proceeded to make himself the absolute master of his Sicilian kingdom.

Fully aware of the fact that the Empire was not a serious reality, and that its subordination to the Papacy under Innocent III had been almost complete, the Emperor resolved to rebuild its power upon a new foundation. Frederick's ideal of government was an enlightened despotism, in which individual rights should be secured by the omnipotence of the monarch. This form of government, he believed, would ultimately secure the support of those who enjoyed its benefits; but it could be established only within a limited area, whence it could be afterward extended. Accordingly his whole thought was bestowed upon the reorganization of his Sicilian kingdom. When Southern Italy was firmly grasped, the whole peninsula could be brought under his control, and from Italy, after the manner of the ancient Caesars, he would rule the world.

Frederick's  
plan of or-  
ganization

For the execution of this plan, three steps were necessary :

CHAP. VII  
A. D.  
1191-1300

both feudalism and municipal liberty must be rooted out of Southern Italy; the Papacy must be put to sleep with soothing words and soft caresses; the superiority of the government he intended to impose must be made manifest by contrast with that which it displaced.

In pursuit of this threefold policy, he quieted the apprehensions of the Pope by promising to rule the Kingdom of Sicily — comprising the island of Sicily and Southern Italy — through an organization separate from the Empire under his hereditary kingship, using a different seal for public documents and maintaining a separate fiscal establishment. A fixed annual tribute was to be paid to the Pope as suzerain of this kingdom, the papal rights in Central Italy were safeguarded, and the supremacy of the Holy See distinctly recognized. As emperor, he aided the Papacy in punishing heresy, knowing well that the rigor and narrowness of the ecclesiastical *régime* would place his own liberal and enlightened rule in a more favorable light. Destroying the feudal castles from which the petty lords of his realm oppressed the land, or converting them into strongholds for royal garrisons, he made private war a capital offence. Only the officers and troops of the King were permitted to bear arms. The arrogance of the municipal communes was suppressed. Parliaments were assembled, not indeed to make laws, but to manifest the wishes of the people. A system of open courts was established, with the right of appeal, in important matters, to a supreme tribunal under the eye of the King, and justice was equally and gratuitously distributed.

The liberal government thus set up by Frederick II, under which Jews and Arabs possessed equal rights with Christians, the colonization of the Arabs at Lucera, in Southern Italy, where the Emperor established a harem and lived a semi-oriental life surrounded by an army of faithful Saracens, the subjection of ecclesiastics to the royal imposts, and, above all, the delay of Frederick in executing his promise to lead a crusade in the East, combined to excite the distrust of the Papacy and to fill it with alarm at the spectacle of his

The rupture  
with the  
Papacy

growing power and independence. The scientific studies and secular tendencies of the Emperor added to this anxiety, and he was soon accused not only of heresy but of impiety. The fall of Damietta, lost to the Christians by a Saracen assault in 1221, was attributed to his neglect of duty, and he was mildly menaced with excommunication by Honorius III, if he did not abandon his political enterprises and proceed to lead a crusade.

Frederick was, no doubt, sincere in his intention to keep his promise, but the time was not yet ripe. He wished first to establish his power firmly in Italy, and from this strong base to undertake a campaign of oriental conquest. The opposition of the papal and the imperial interests now at last came clearly into view. Accordingly, while the Pope impatiently fretted and threatened, the Emperor hesitated and made excuses, to which he gave a color of sincerity by renewed promises.

Finally, the year 1225 was fixed for his departure to the East. His marriage with Isabella, daughter of John of Brienne, and heiress of the Kingdom of Jerusalem, gave the appearance of reality to his assurances. Great preparations were made for the crusade. In Germany, Hermann of Salza, Grand Master of the Teutonic Order, urged the crusade upon the German princes. But the date agreed upon was passed without the execution of the Emperor's promises, the year 1227 now being named as the time of departure.

Disregarding the merely titular rights of John of Brienne, Frederick, by virtue of his wife's inheritance, now proclaimed himself "King of Jerusalem." At the same time, he announced his intention to restore the rights of the Empire. Honorius III became alarmed, the Lombard League, in March, 1226, was renewed for a period of twenty-five years, and, even under this indulgent and pacific pontiff, the ancient alliance between the Papacy and the Lombard cities appeared about to be renewed.

On March 18, 1227, the comedy which the Emperor had so long played with Honorius III came to a sudden end by

CHAP. VII  
 G. R.  
 1191-1200

The battle  
 between Pope  
 and Emperor

the death of the Pope and the accession of his successor, Gregory IX. A kinsman of Innocent III. and inspired with the same lofty conception of the papal prerogatives, Gregory, three days after his installation, sternly ordered the Emperor to embark for the East. On September 8, 1227, in a spirit of apparent obedience, Frederick set sail from Brindisi; but returned three days later, making the excuse to the Pope that the Landgrave of Thuringia, who accompanied him, was dying, and that he himself was ill. Gregory IX would not listen to his excuses, and, on September 29, angrily declared the Emperor excommunicate.

This declaration of war was immediately followed by open hostilities. Frederick replied to the papal ban by a calm justification of his conduct. His manifesto, read on the steps of the Capitol at Rome, produced an insurrection there, which, under the direction of the Ghibelline party, resulted in open insults to Gregory IX, on the occasion of his public denunciation of the Emperor, in St. Peter's Church. Menaced by a mob, Gregory was forced to flee from Rome to Viterbo, whence he was afterward driven to Perugia. At the same time, Frederick revoked his cession of the March of Ancona and the inheritance of the Countess Matilda to the Holy See. All masks were, thenceforth, dropped, and the open struggle for supremacy between the Empire and the Papacy was once more renewed.

Frederick's  
 departure for  
 the East

In order to prove the injustice of the interpretation which the Pope had placed upon his conduct, Frederick now resolved to proceed to the Holy Land and show himself the champion of Christendom. In June, 1228, having asked for the blessing of the Pope upon his enterprise, he once more embarked from Brindisi, to join a force already assembled in the East. But the hatred of Gregory IX not only withheld a blessing, but pursued the Emperor with his curse; for he now denied the right of an excommunicated prince to conduct a holy war, and appealed to the Lombard cities, Spain, France, and England to furnish an army to invade the Kingdom of Sicily and execute the papal ban. While, therefore, Frederick was



absent conducting the crusade which the Holy See had commanded him to organize, the Pope, aided by John of Brienne, was engaged in the attempt to strip him of his Italian kingdom.

CHAP. VII  
A. D.  
1191-1300

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The intemperate persecution inflicted by the Papacy gave to Frederick all the advantages of martyrdom; for the action of Gregory IX in continuing his anathema after the Emperor's excuses and final obedience, followed by the armed invasion of his kingdom, made Frederick appear the victim of papal petulance and vindictiveness. Not only did Gregory release the crusaders from their oaths of allegiance to the Emperor, but he engaged the Venetians to oppose and attack him in Syria, and enfeebled his military and diplomatic operations with the Saracens by constant efforts to render them ineffectual.

The futile endeavors of crusading expeditions to exterminate the Infidel had proved the impossibility of a complete and permanent Latin conquest of Western Asia. The crusading spirit was not only dying out in Europe, but the Mohammedan power had become firmly rooted in the East. With a discernment which does credit to his intelligence, Frederick II had perceived that the idea of conquering the East by the destruction of the Saracens, which the zeal of the Papacy had so peremptorily urged upon him, was chimerical. His intimate contact with the Saracens in Sicily had taught him something of the qualities with which he had to deal, and he became convinced that it was not by arms but by diplomacy that the interests of Christendom in Syria were to be secured.

Frederick's  
negotiations  
with the Sar-  
acens

In accordance with this view, he had, in 1227, opened negotiations with the Sultan of Egypt, Malek-Kamel, who, menaced by his brother, stood in need of the alliance which Frederick was ready to offer him. The reluctance of the Emperor to begin his expedition before the return of the Archbishop of Palermo from his mission to Cairo, in January, 1228, explains in part the delay which the Pope, ignorant of these negotiations, so deeply resented.

## CHAP. VII

A. D.  
1191-1300

Upon his arrival in Syria, in September, 1228, Frederick sent an ambassador to Gregory IX to ask for absolution, requesting him to treat with the Duke of Spoleto as his representative in Italy. Having made this new attempt at reconciliation with the Pope, he promptly reopened negotiations with the Sultan of Egypt, then encamped at Neapolis, not far from Jerusalem.

In reply to the overtures of Frederick's embassy, sent to treat with him regarding the Holy Places, Malek-Kamel astutely answered that the surrender of Jerusalem would draw upon him the malediction of the Calif and of all good Mussulmans. He knew that the envoys of the Pope had commanded the military orders not to sustain Frederick, and the Emperor had soon to contend not only with the reluctance of the Sultan, but also with the secret machinations of the papal agents.

Frederick's  
treaty with  
the Saracens

The hostility shown by Gregory IX, who was now not only opposing him in the East, but endeavoring by open war to wrest from him his Sicilian kingdom, rendered Frederick eager to conclude his expedition to the Holy Land and return to Italy for the defence of his interests there. Recalling to the Sultan his former promises of friendship, he advanced toward Jerusalem threatening to take the offensive. The disturbed condition of the Sultan's realm, joined to the fear of an imperial victory, led him at last to treat with Frederick. After long and difficult negotiations, whose secrecy enabled the papal party to represent Frederick as a traitor to the cause of Christendom, a treaty was concluded on February 18, 1229.<sup>1</sup> Peace was imposed for ten years; Jerusalem, Bethlehem, and Nazareth, with the adjacent villages, were restored to the Christians; the castle of Tyre and the city and port of Sidon, with the surrounding country, were also surrendered, with the privilege of rebuilding Joppa. Frederick had acquired by diplomacy, and without

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<sup>1</sup> See for this treaty Huillard-Bréholles, *Historia Diplomatica*, III, pp. 86, 90.

bloodshed, the possession of the Holy Places, for which bitter and destructive wars had long been fought in vain.

The treaty, though afterward ratified by Gregory IX himself, was at once attacked by the papal party as an act of treason. The Patriarch of Jerusalem, in order to nullify Frederick's victory, placed Jerusalem and all the Holy Places under interdict, on the ground that a few aged and unarmed priests of the Mohammedan faith were permitted to retain possession of two Moslem mosques. The greatest diplomatist of his time — the Grand Master of the Teutonic Order, Hermann of Salza — has left his testimony that the Emperor had done all that was possible for the conservation of Christian tutelage over the Holy Places. He had done it in the spirit of a modern statesman, neatly, intelligently, and effectively. He was condemned for a great service, because he had triumphed over a blind and vindictive opposition.

On March 17, 1229, the Emperor entered Jerusalem; and, on the next day, in the Church of the Holy Sepulchre, he took from the altar the crown of the Kingdom of Jerusalem and placed it with his own hands upon his head. Recognizing the fact that he was under the ban of the Church, he permitted no religious rites to be celebrated; but, at the conclusion of his act, he made a public address, which Hermann of Salza translated to the crowd of crusaders and pilgrims. He recalled how he had taken the cross at the time of his coronation at Aachen; explained the delays which had been necessary; excused the conduct of the Pope by saying that, if the Holy Father had acted otherwise, he would have incurred the reproaches of Christendom; and stated that, had the Pope known his real intentions, he would not have pursued him with censure after the crusade had been undertaken. In conclusion, he announced his purpose to honor the Church and redress its wrongs. Since God had been pleased to exalt him, he wished to bow in humility before the Most High and, for His sake, before His representative on earth.

CHAP. VII

A. D.  
1191-1300

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Frederick's  
coronation as  
King of  
Jerusalem

## CHAP. VII

A. D.  
1191-1300

A spirit so patient, so docile, and so conciliatory called forth a general expression of joy and admiration, but the enemies of Frederick regarded his declaration as a fresh example of insincerity. The Archbishop of Cesaraea arrived the next day to put in execution the interdict imposed by the Patriarch. An explanation was demanded, but none was accorded. Upon Frederick's departure from Jerusalem, an attempt was even made upon his life. But the work of pacification which he had accomplished was solid and enduring. The Patriarch of Jerusalem, by express order of the Pope, was soon compelled to remove the interdict and ratify the treaty.

The Peace of  
San Germano

Having completed his task in the East, in June, 1229, the Emperor returned to Italy to find it in a state of revolution. Under the direction of Gregory IX, John of Brienne had invaded the Kingdom of Sicily, and the feudal barons whom Frederick had suppressed had favored the enterprise. In Germany, the Pope had employed the Dominican Order to excite public opinion against the Emperor, and had offered the kingdom to Otto of Luneburg, who had declined to accept it.

The presence of Frederick in Italy soon changed the situation. Entering his kingdom, he promptly expelled the invading army and restored order. Gregory IX, unable to resist his tactics and his popularity, was now ready to make peace.

A singular circumstance, in February, 1230, had recalled the fugitive pope to Rome. An overwhelming flood, caused by the rising of the Tiber, had filled the population with superstitious fear. Connecting this misfortune with their rude treatment of the Holy Father, messengers were sent in haste to invite his return to the city.

Deeply touched by this incident, the stern old man was now disposed to undo the unhappy past. Realizing his own feebleness and the need of repose for Italy, he listened to the pacific proposals of Hermann of Salza, now become — like Bernard of Clairvaux at an earlier time — the mediator and peacemaker of his day. After long negotiations, the Grand



Master of the Teutonic Order succeeded in effecting a reconciliation between the venerable pope and the energetic emperor. On July 23, 1230, at San Germano, a treaty was concluded, by which peace was restored, the Patrimony of St. Peter reconstituted, and the removal of the ban agreed upon. In September, pope and emperor met at Anagni, where, after the interchange of friendly courtesies and explanations, a personal reconciliation was effected. "The Pope," wrote Frederick, "has spoken with an open heart and has calmed and reassured my soul." "The Emperor," wrote Gregory IX, "has come to seek us with filial devotion. . . . We have seen that he was ready in all things to accomplish our instructions and desires." It was the illusion of tranquillity that often arises from good intentions; for beneath the surface of personal amenities was masked an antagonism of principles eternally hostile.

The conflict  
of principles

The renewal of the struggle was rendered inevitable by the opposing ideas of the Papacy and the Empire which had now been formed. The conception entertained by Gregory IX he has formulated thus: "It is a notorious and manifest fact that Constantine, who possessed the universal monarchy, wished, with the consent not only of the people of Rome, but of the Roman Empire in general, that the Vicar of the Prince of the Apostles, who possessed the empire of the *sacerdotium* and of souls in the entire world, should have the universal government of things and of bodies, thinking that he to whom God had intrusted on the earth the care of things heavenly should also rule over things earthly. It is on that account that he has accorded in perpetuity to the Roman Pontiff the sceptre and the insignia of the Empire, with Rome and the whole of its duchy and the Empire itself; regarding it as infamous that there, where the chief of the Christian religion is instituted by the Celestial Emperor, a terrestrial emperor should exercise power. Abandoning, then, Italy to the Apostolic See, he chose in Greece a new residence; and since the Church, imposing the yoke on Charles the Great, has transferred the seat of Empire to Germany, when it has called thy

## CHAP. VII

A. D.  
1191-1300

predecessors and thee to sit on the imperial throne, when it has granted, on the day of thy coronation, the power of the sword, it has intended to diminish in no respect the substance of its jurisdiction.”<sup>1</sup> Such was the theory of the *sacerdotium* and the *imperium* which Gregory IX wished to impose on Frederick II.

On the other hand, Frederick’s conception of his rights is contained in the following words: “Since the providence of the Saviour has guided our steps in a manner so liberal and marvellous that, on the side of the Orient, the Kingdom of Jerusalem, — the maternal heritage of our dear son Conrad, — as well as this magnificent Kingdom of Sicily, — which we hold from our mother, — and the powerful body of the Germanic dominion, are, by the grace of God, maintained under our laws in profound peace; it is, we believe, to the end that the intermediate part, called Italy, — encompassed on all sides by the circle of our forces, — should also be rendered obedient to us and enter into the unity of the Empire.”<sup>2</sup>

The “supremacy of the Papacy” and the “unity of the Empire,” now at last discerned to be incompatible, could no longer exist together in the same world.

The Emperor’s war  
against the  
cities

If the Empire was in any degree responsible for the preservation of justice and civil order within its limits, the position taken by Frederick II was amply justified. Since the death of Henry VI, the Emperor had exercised practically no authority in Central Italy. The chief cities had become veritable republics, ruling by right of conquest the smaller towns and the country surrounding them. The chronicles of the time, even those written by the Guelf partisans, reveal the malignant jealousies, hostilities, and reprisals which convulsed the tumultuous existence of these petty states. The Papacy had often, but vainly, attempted to suppress this anarchy. The impotence of the Pope and the moderation of the Emperor tended to embolden the cities, — espe-

<sup>1</sup> See Huillard-Bréholles, *Historia Diplomatica*, IV, pp. 921, 922.

<sup>2</sup> See Huillard-Bréholles, *Historia Diplomatica*, IV, p. 849.

cially those of Lombardy, headed by Milan, — who trusted to the power of their league to protect them from imperial interference. For many years, Frederick II had pursued the policy of composing his differences with the cities through the mediation of the Pope; but, weary of this ineffectual method, baffled and insulted by the Lombard League, he at last mounted his horse with the words: "Pilgrims and travellers everywhere pass freely; but I, the Emperor, would not dare to appear in territory belonging to the Empire." Then, raising the imperial eagle, he proceeded to wage war upon the Lombard League.

The victory of Cortenuova, on November 27, 1237, gave to the Emperor a great prestige. The *carroccio* of Milan, drawn by Frederick's elephant mounted by a Saracen driver, formed a part of his triumphal procession through the streets of Cremona, and was sent to Rome as an intimation to the Pope, who was in secret alliance with the Lombard League, that a Roman emperor still lived.

Instead of winning the support of the municipalities, — a policy by which the great national monarchs were soon to build up their absolutism, — Frederick adopted the mistaken course of crushing out all municipal liberty by substituting for the communal governments a revived feudalism, through which he endeavored to hold the cities in subjection. By this procedure he was declaring war upon the laws of social evolution. The days of feudalism had passed, and he had been the first to recognize it. But his policy in Central Italy was not only an anachronism, it was a provocation. Perceiving the ruin which inevitably awaited them in the event of the Emperor's triumph, other cities now banded together to oppose him. Soon the Tuscan League was renewed and the Umbrian League was formed, to unite with the Lombard League, — all in alliance with the Pope, — in combating the Empire. The political error of Frederick is rendered the more egregious by the fact that a powerful Ghibelline faction, even in the Guelf cities, was ready to act in his favor. With all his enlightenment and modern qualities,

## CHAP. VII

A. D.  
1191-1300Negotiations  
for peace

it was the mediaeval side of Frederick that finally controlled him and led to the ruin of the Empire.

Having won a series of victories over the Lombard League, the Emperor now declared his intention to unite with his estates "not only Lombardy and Tuscany, but also the Patrimony of St. Peter, the Duchy of Spoleto, the March of Ancona, the inheritance of the Countess Matilda, and everything belonging to the Holy See." Denying the validity of the donations by which these domains had become the possessions of the Papacy, he revoked them without exception, and expressed his determination to subject these territories to the civil law of the Empire; thus reducing the Papacy to a purely spiritual rôle, which, he maintained, was its only original and legitimate function. As the Papacy had subordinated the Empire, so now he, in turn, proposed to subordinate the Papacy.

The great pacificator of his age, Hermann of Salza, had already passed away; but Richard of Cornwall, returning from a crusade, having expressed his desire to mediate in the interests of peace, Frederick gave him full powers to negotiate with Gregory IX on such terms as he thought best. The aged pontiff, stern and inflexible, would listen to no proposals that did not recognize his own authority to settle by an arbitral decree the questions at issue between the Emperor and the Lombard League.

At the time Frederick, flushed with his victories in the field, was encamped near Rome. He had devastated the country to induce a surrender, but in vain. On August 21, 1241, messengers rode breathlessly into his camp, bearing news from Rome. Gregory IX, almost a hundred years old, was dead.

In order to show that his quarrel with Gregory IX was merely personal, and not directed against the Holy See as an institution, the Emperor immediately ceased hostilities and retired to Southern Italy.

The election of Celestine IV, in October, followed by his death before his consecration, left the Papacy for eighteen



months without a head. In this interval, Frederick resumed his policy of consolidation, at the same time manifesting great interest in the election of a new pope. The choice of a Genoese cardinal belonging to a Ghibelline family elicited from the Emperor an embassy of congratulations, which bore his assurances of respect and devotion; but Innocent IV, who had been a professor of law at Bologna, soon proved a zealous champion of the papal cause.

For a time it appeared possible to conclude a permanent peace. Negotiations were opened at Anagni, and, after a long discussion, the Pope demanded that the Emperor should restore all the lands taken from the Holy See and make peace with the Lombard cities. The Emperor consented to restore these territories, but on condition that he should exercise authority over them, as fiefs of the Church, in the same manner as he held his Sicilian kingdom. But Innocent IV was too shrewd a lawyer to surrender the possessions of the Papacy under a form of vassalage which would render Frederick the sole master of Italy. Finally, it was proposed to assemble a solemn tribunal, — to be composed of the kings, princes, and prelates of Christendom, — which should decide regarding the respective rights of the Pope and the Emperor; but Innocent added that all the friends and adherents of the Church must be comprehended in this peace.

Frederick interpreted this condition as intended to force him to yield to the demands of the Lombard League, and hesitated to continue the negotiations; but, on March 12, 1244, he decided to accept a treaty which in substance restored to the Papacy all its possessions and immunities. On the 28th, full powers were issued to his plenipotentiaries to swear to the observance of this treaty. On the 31st, in the open square before the Lateran palace, in the presence of a vast assembly composed of the most eminent personages in Rome, the imperial envoys took their oaths. Copies of the treaty were publicly sold upon the streets for six denarii, and the report was spread throughout Italy that a definitive peace had been concluded.

## CHAP. VII

A. D.  
1191-1300

The deposition of Frederick II

But this joyful announcement was soon followed by a bitter disappointment. Before granting absolution to the Emperor, Innocent IV demanded that all differences with the Lombard cities should be submitted to his arbitration, and that all the territories of the Church should be restored without condition. Not only so, but he postponed from day to day a statement of the grievances for which the Emperor should make satisfaction. Frederick then pressed the Pope to transfer the negotiations from Rome to some neighboring town, where by a personal interview terms could be arranged. This proposition the Pope accepted, and Narni was named as the place of meeting.

The promised interview never took place. Instead, Innocent wrote to Frederick, assuring him of his desire to make peace, and changing the rendezvous from Narni to Rieti. In the meantime, he made secret arrangements to leave Italy. Fleeing from Sutri, in the night of June 28, 1244, disguised in a military costume, he proceeded to Civita Vecchia, where he embarked for Genoa on a Genoese fleet which had been sent to receive him. Thence, without explaining his rupture of the negotiations, he journeyed to Lyons; where, on June 24, 1245, he summoned a general council. Frederick sent envoys to continue the negotiations for peace, but in vain. Without awaiting the final presentation of the Emperor's case, on July 17 the Pope solemnly pronounced the deposition of Frederick II, and ordered the election of another emperor. "As for the Kingdom of Sicily," he added, "we shall not fail to do that which we judge suitable, after consulting with our brothers the cardinals."

The attitude of the princes and the end of the struggle

A general war was now unchained. The Emperor issued a protest in which he defended his course and attacked the sentence passed upon him as unjust and illegal.<sup>1</sup> The attempted mediation of Louis IX, King of France, — on account of his religious zeal known as St. Louis, — was ineffectual. Innocent IV would not listen to his proposals, but

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<sup>1</sup> Huillard-Bréholles, *Historia Diplomatica*, VI, p. 391.

summoned all faithful kings, princes, and peoples to join in a crusade to crush the Emperor.

There was but a feeble response among the kings of Europe to Frederick's appeal; for, although he had asserted that their cause and his were one, all were in need of papal support in building up their local monarchies, and none of the kings was willing to embroil himself with the Pope in the interest of the Emperor. Besides, the Empire was, in a certain sense, a menace to their autonomy. It had at one time claimed authority over them, and was likely, if successful in its contentions, to encroach upon their interests. As an institution, the Empire had become an anachronism; for the rise of local sovereignties had rendered it superfluous.

In 1246, although the majority of the Germans remained true to Frederick, a group of ecclesiastics, joined by a few lay princes, chose Henry Raspe, Landgrave of Thuringia, as "King of the Romans." The next year, after a defeat by Frederick's son Conrad, Henry of Thuringia died; and, after the King of Norway had rejected an offer of the crown, William, Count of Holland, was named in his place by the papal party.

Frederick bravely battled against his foes both in Germany and Italy, but the mystic side of his nature now won the ascendancy. In his fierce conflict with the Roman pontiff, who stirred up enemies against him on every side, he even dreamed of a lay papacy, and imagined himself the head of a universal church, ruled by evangelical simplicity under the protection of his sword.

After 1247, a series of defeats and misfortunes overwhelmed the struggling emperor, and his trusted Saracens were at last the only friends in whom he unreservedly confided. These staunch and faithful adherents the omnipresent influence of the Papacy could not reach. Surrounded by them, on December 19, 1250, in a hunting lodge near Fiorenzino, a mortal illness overtook him. Even after his death, report pursued him with the conflicting stories, that he had passed away as a humble penitent in the robes of a Cister-

CHAP. VII  
A. D.  
1191-1300

cian monk, and that he had yielded up his life in an agony of torment and despair on account of his unforgiven sins. In his mausoleum at Palermo was entombed the last of the great emperors; for in his death perished also the mediaeval Empire.

### III. THE ORGANIZATION OF DIPLOMACY IN ITALY

"The Great  
Interregnum"

For twenty-three years after the death of Frederick II, no King of the Romans was generally recognized in Germany; and for sixty-two years, no emperor was crowned at Rome. The period, therefore, between 1254, when Frederick's son Conrad died, and 1273, when Rudolf, Count of Hapsburg, was chosen "King of the Romans," has been called "The Great Interregnum." But the practical existence of the Empire was not only suspended; after the death of Frederick, in 1250, it virtually ceased; and no German prince exercised any control over Italy until Henry of Luxemburg, in 1312, appeared there, in answer to the call of the Ghibelline party.

"Root out the name of the Babylonian and what remains of him, his succession and his seed," was the cry with which Innocent IV endeavored to hound to the death the last of the Hohenstaufen house. The brave efforts of young Conrad to restore imperial authority in Italy were doomed to cruel disappointment; but Frederick's illegitimate son Manfred not only became master of Sicily, for sixteen years, in opposition to Innocent IV and his successor, Alexander IV, he maintained his ascendancy. After negotiations with the English to obtain a vassal ruler for the Kingdom of Sicily, a new pope, Urban IV, in 1264, offered the Sicilian throne to Charles of Anjou, brother of Louis IX of France. Urban IV died before Charles of Anjou could overcome the scruples of his brother; but his successor, Clement IV, a vigorous French prelate, then proclaimed a crusade against Manfred, headed by Charles of Anjou, who, in 1266, was invested at Rome with Sicily as a papal fief. Enthusiastically received by the Romans, who conferred upon him the office of "Senator,"



Charles invaded the Sicilian territories. In the battle of Grandella, fought on February 26, 1266, Manfred's army was defeated; and, plunging into the midst of the enemy, the ruined monarch bravely met his fate.

CHAP. VII  
A. D.  
1191-1300

Instructed by its experience with the powerful Hohenstaufen princes, the Papacy intended to establish a political system which would insure the fruits of its victory. When, in 1266, Charles of Anjou received the investiture of the Sicilian kingdom, he swore not only never to be elected emperor, but never to accept, under penalty of dethronement, the lordship of Tuscany, of Lombardy, or of the greater part of these provinces. He was also, after entering into his kingdom, to resign the senatorship of the Romans. He was, in brief, to remain the obedient vassal and instrument of the Papacy.

The policy  
of the Papacy

To ensure a similar result in Germany, when Ottocar, King of Bohemia, was proposed as "King of the Romans," his candidacy was opposed on the ground that he was too powerful. Two more distant and less dangerous rulers — Richard, Earl of Cornwall, and Alfonso X of Castile — were named in opposition to each other; and the double election thus completely neutralized the imperial power.

The influence of the Papacy in the Empire was not diminished by the fact that the ancient right of the German nobles and people to choose their king was now set aside, and a college of seven electors, composed of three ecclesiastics, — the Archbishops of Mainz, Köln, and Trier, — and four lay princes, — the Count Palatine of the Rhine, the Duke of Saxony, the Margrave of Brandenburg, and the King of Bohemia, — was created. Of this "Electoral College," the Archbishop of Mainz was the Chancellor.<sup>1</sup>

The Electoral  
College of the  
Empire

<sup>1</sup> The ancient method of electing the ruler of Germany and "King of the Romans," as described by Wipo in his account of the election of Conrad II, has been related in Chapter V. In practice as in theory, the king was for a long time chosen by all of the magnates. The words of Innocent III, "*principes ad quos principaliter pertinet imperatoris electio*," are the first intimation of a choice by a particular

## CHAP. VII

A. D.  
1191-1300

By such a close corporation, in 1273, Rudolf of Hapsburg—a candidate chosen on account of his relative feebleness—was elected “King of the Romans.” It is not surprising that, a few years afterward, Boniface VIII, seated on the papal throne at Rome, girt with a sword, and wearing

body of electors, but without any definite description of this body or assertion of its distinct existence. The reference is, probably, to the officers of the imperial household who enjoyed the *jus praetaxandi*, or right of agreeing on the choice of a king before his name was submitted for general approval. The influence of the Papacy was, undoubtedly, used to concentrate the choice in as few hands as possible; and the words of Innocent III indicate a disposition to consider the right of election as belonging to certain persons to the exclusion of others. Under Gregory IX, in 1229, the election of bishops was confided to the canons of the cathedral churches, thus excluding the clergy and the people, who had formerly had a part in the choice. The expression of Innocent III marks a tendency toward the idea of an electoral body for the Empire also, which was later to be developed into a reality.

Under Urban IV, in 1263, speaking of the litigious election of Richard of Cornwall and Alfonso of Castile, the expression is used, “*principes vocem in hujusmodi electione habentes, qui sunt septem numero*,” which is the first mention of seven electors. The document in which this expression is contained shows, however, that the other princes were still admitted to the election. See Leibnitz, *Codex Juris Gentium Diplomaticus*, Hanover, 1693, p. 14.

The first imperial election in which the electors chose the king as a corporate body, appears to have been that of Rudolf of Hapsburg. The anarchy of the Empire afforded the opportunity to confine the election strictly to the chief princes; and the Papacy, having three archbishops as members of the Electoral College, could easily exercise a powerful influence upon the vote. In the election of Rudolf of Hapsburg, it was Gregory X who enjoined a new choice, the Archbishop of Mainz who proposed the candidate, the Archbishops of Köln and Trier who supported the nomination, and the secular princes from various motives, with the exception of the King of Bohemia, merely confirmed the choice.

The princes who thereafter appropriated the right of election were : (1) the Archbishop of Mainz, Arch-chancellor of Germany; (2) the Archbishop of Köln, Arch-chancellor of Italy; (3) the Archbishop of Trier, Arch-chancellor of the Kingdom of Arles; (4) the King of Bohemia, Cup-bearer; (5) the Count Palatine of the Rhine, Seneschal; (6) the Duke of Saxony, Marshal; and (7) the Margrave of Brandenburg, Chamberlain.

the crown of Constantine, could exclaim: "Am I not the Sovereign Pontiff? Is not this the throne of St. Peter? Am I not able to safeguard the throne of the Empire? It is I, it is I, who am Emperor!"

CHAP. VII

A. D.

1191-1300

While Italy was thus left entirely without imperial control, Germany was for a long period practically without a king. This circumstance left the local princes free to establish their power more firmly, and thus to fasten upon Germany a bondage to feudalism which endured down to the beginning of the nineteenth century. But it also furnished the opportunity for the great cities—already provided with many charter liberties in exchange for support afforded to the struggling emperors—to establish their independence and to strengthen it by the formation of powerful confederations. Thus, in 1255, the League of the Rhine—composed originally of Mainz, Köln, Worms, Speyer, Strasburg, and Basel, and afterward enlarged by the adhesion of more than sixty cities—was able to defend its growing commercial interests and to place an armament of six hundred vessels on the Rhine. Thus, also, in 1259, began the powerful Hanseatic League, composed of cities of Northern Germany, which was to play a rôle of much importance not only in trade but in diplomacy. From the contest of the Empire and the Papacy, therefore, as in Italy, so also in Germany, began those great movements of civic enterprise and independence which transformed the cramped and stagnant life of the Middle Ages into the freedom and progress of the modern world.

The state of  
Germany

Under the liberal rule of Frederick II, the Kingdom of Sicily had developed into a commercial state of great importance. Its relations with the East, especially with the Saracen world, combined with its maritime advantages, had rendered it a formidable rival of Venice. The Latin Empire of the East had fallen into an early and rapid decline. This enterprise, begun in dishonor, in 1261 ended in calamity. In the absence of the Venetian fleet, Michael Palaeologus, already crowned emperor at Nicaea, on August 15 of that

The ambitions  
of Charles of  
Anjou

CHAP. VII  
A. D.  
1191-1300

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year, captured Constantinople and restored the Greek Empire in his own person.

The changes of the time opened a wide field of opportunity for the unscrupulous ambition of Charles of Anjou. Venice, weakened by the transfer of its commercial privileges to its Genoese rivals, with which Michael VIII celebrated his triumph, could not well resist the growing maritime power of Sicily. Tuscany having invoked his presence, to oppose the Ghibelline party, Charles of Anjou was soon practically master of Florence. The brutal execution of the boy Conradin, at Naples, in 1268, removed from his path the last of the legitimate Hohenstaufen princes; while the death of Clement IV, followed by a three years' vacancy in the Holy See, left him a free hand in the Papal State. As he had laid Tunis under tribute by turning aside for its capture the crusade his brother Louis IX was leading to Egypt, so now he was profiting by all these events to obtain the mastery of Italy.

But Clement IV had begun to distrust the vassal who was rising to such a height of power. The next pope, Gregory X, found it necessary to rebuke his hostility to Rudolf of Hapsburg, who was used as a foil to the imperial aspirations of Charles. But it was reserved for Nicholas III, of the proud family of Orsini, to administer a telling, though temporary, check to the plans of his vassal.

The most ancient donations to the Holy See were the Exarchate of Ravenna and Pentapolis, which Pippin had bestowed in the eighth century. Since the time of the Ottos, these rich territories had been held as fiefs by the Empire; but, in the meantime, important cities had grown up within them and were sharing the development of their Lombard and Tuscan neighbors. Nicholas III now obtained from Rudolf of Hapsburg, who never appeared in Italy, a donation of the entire Romagna and the March of Ancona to the Holy See. The deed of transfer was prepared at Rome, presented by a papal legate to Rudolf, signed by him without hesitation, and, on June 30, 1278, delivered to the Pope at Viterbo

The papal  
counter  
projects



by a German envoy. By this one act, the area of the Papal State was nearly doubled.

CHAP. VII  
A. D.  
1191-1300

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In 1280, Nicholas III formed a plan of still larger proportions. This was a division of the Empire into four kingdoms: (1) Germany, which should belong by hereditary right to Rudolf of Hapsburg; (2) the Kingdom of Arles, or Lower Burgundy, which, under the name of the "Kingdom of Vienne," should be a dower for Clemence, a daughter of Rudolf married to a prince of the House of Anjou; (3) the Kingdom of Lombardy; and (4) the Kingdom of Tuscany. These last were to be given to the Pope's own nephews. In the midst of this array of hereditary kingdoms, the Pope was to sit as the head of Christendom, thus virtually absorbing the imperial office in himself.

The project shows that, even then, this far-sighted pontiff was able to perceive that the future of the world belonged to the local governments. The Empire, which the Papacy had originally revived for its own protection, had at last proved its most dangerous enemy. A presidency over local kings had now become its ideal of supremacy.

But this pre-eminence demanded a statesman like Nicholas III to render it effective. Unhappily for his projects, his successor, a French prelate, Martin IV, was the mere creature of Charles of Anjou; who now resumed the senatorship of Rome, which Nicholas III had forced him to resign, and for a time was practically master in Italy.

The "Sicilian Vespers" and the expulsion of the French

With a French pope and a French king, Italy, from the Bay of Naples to the Po, was overrun by French prelates and officials. The French occupation imposed upon Italy a domination as hateful as that which had been endured from the Germans; but an awful vengeance was awaiting the foreigner. On March 31, 1282, the whole island of Sicily rose in open insurrection. All Frenchmen were murdered; and, to avenge the fate of Manfred and Conradin, Peter of Aragon, who had married Manfred's daughter Constance, was invited to become the King of Sicily. An entire people had risen in the might of its newly awakened national conscious-

## CHAP. VII

A. D.  
1191-1300

---

ness to expel a usurper imposed by papal authority, and had expressed its political will by the choice of a national king. The "Sicilian Vespers" stand out as one of the most horrible tragedies of history, but the event marks the beginning of a new era in the political development of Europe.

All Italy joined in the revolution begun at Palermo, and both King and Pope were abandoned by the city republics, now for the first time inspired by a common motive and uniting in a common cause. On January 7, 1285, Charles of Anjou, broken by his misfortunes, passed away; and, in March of the same year, Martin IV followed him.

With no powerful adversary to oppose them, the Italian commonwealths were now free to develop their own local sovereignty. Italy found itself composed of a great number of small city-states, each with its own interests, and confronted on every side with rivals and competitors. War on any great scale was impossible; and, to be conducted with success, must be directed with circumspection. It was, therefore, the fruitful and legitimate field of diplomacy, already long practised in the formation and administration of the numerous leagues by which local liberties had been protected. Only one step was yet to be taken, the perfection of its organization.

After a long struggle, an Aragonese dynasty was firmly established at Palermo, while the House of Anjou continued to rule at Naples. In 1297, Pope Boniface VIII conferred his blessing upon both dynasties at the wedding of Charles of Anjou's grandson, Robert, with Manfred's granddaughter, Violante of Aragon. It was the moment of the Pope's greatest triumph; for two weak kingdoms, both under his influence, were far more advantageous to the Papacy than a single strong monarchy.

At Rome, notwithstanding the quarrels of their families, the Gaetani, the Orsini, and the Colonna ruled with a powerful hand, and portioned out to their relatives high places in Church and state.

In the republics, every form of political experiment was

The field  
opened for  
diplomacy

The internal  
condition of  
the city-states

tried, and Italy became a vast laboratory of governmental schemes and devices. The constitutional history of the cities runs through the entire gamut, from the simplest forms of pure democracy to the most absolute type of personal tyranny. No such school of practical politics had ever before existed, not even in the city-states of Greece, whose problems were far simpler; for Greece had no imperial traditions and no papal intermeddling.

No society was ever so heterogeneous as that of the Italian city-republics, for none had ever been composed of so many conflicting elements, or inspired by motives so diverse. Into the midst of the industrial and commercial population, controlled by its official aristocracy, had been brought by the conquest of the surrounding country the feudal barons, whose castles were torn down or garrisoned for public defence. This contingent of strangers,—idle as respects business, but active in striving to retrieve a lost position by political intrigue,—soon proved an element of danger to the public peace. The artisans and the gentry, the tradespeople and the officials, the *popolo grasso* and the *popolo minuto*, the Guelfs and the Ghibellines, and the subdivision of the Guelfs into the *Neri* and the *Bianchi*, were all causes of discord and division in this chaos of conflicting elements.

The problem of governing these masses of unrest was intensified by foreign complications. The memory of ancient conflicts and unforgiven injuries extended from city to city and deepened the chasm between them. Each party and faction, taking advantage of these animosities, strove to weaken the influence of its opponent by maintaining a constant secret correspondence with neighboring cities. The general anarchy was increased by the espionage, the intrigues, and the betrayals of these conspiring partisans. The feudal nobles, dwelling in the towns, not only bore arms in the streets and menaced the population with the sword or the dagger; they transformed their palaces into fortresses, furnished with strong towers and deep dungeons. The war against the castles had now to be repeated against the palaces.

Expedients  
for external  
security

## CHAP. VII

A. D.  
1191-1300

When the consuls became unable to stem this tide of private war, a *podestà* was clothed with almost dictatorial authority for this purpose. The earlier constitutions remained in force, and the ancient councils continued to meet and deliberate; but the *podestà*,—always a stranger, invoked as a mediator, and holding for one year the power of life and death,—was placed at the head of the Signory, and exercised the functions of an executive.

As the storm gathered violence, mediation was found to be ineffectual, and a *capitano del popolo* was chosen. The "Captain of the People,"—chief of the victorious party,—by the arts of the demagogue and the devices of the usurper, was soon transformed into a permanent despot. Thus, the commonwealths of Italy, after a heroic struggle, finally abdicated their power and sought shelter under the protection of their local masters. Only Florence, Genoa, and Venice, amidst intermittent periods of tyranny, retained their republican traditions.

A fatal necessity drove the Italian cities to this course. After the failure of so many brilliant endeavors, the unity of Italy under a national monarchy was hopeless. The Papacy, which persistently rendered this unity impossible, was too feeble to perform the task it had obstructed, and its own humiliation was at hand. Distrusting a federation of independent communities, it made no attempt to promote such a union. Indeed, its princely pretensions made such a project impracticable; for the republics would, no doubt, have perceived in such a proposition a scheme to absorb them in the papal monarchy. As Machiavelli has pointed out, the sovereign pontiffs would not promote or tolerate a power which they could not control. "Whenever they have contributed to the elevation of a prince, they have soon repented and thought only of his ruin, never permitting the country they were too feeble to possess to be possessed by others."<sup>1</sup>

Nor could the republics, jealous, suspicious, and revengeful, form a conception of Italian solidarity. No really instructed

<sup>1</sup> Machiavelli, *Istoria fiorentina*, Lib. I, cap. IX.



statesman of that time seems to have believed in its possibility. The only public utterance that has reached us on this subject is the apostrophe of an obscure priest, preaching in the cathedral of Milan, whose pathetic cry, unheard and unanswered, indicated the way of salvation for his country: "And thou, Milan, thou seekest to supplant Cremona, to overthrow Pavia, to destroy Novara. Thy hands are raised against all, and the hands of all against thee. . . . Oh, when shall the day dawn in which the inhabitant of Pavia shall say to the Milanese: 'Thy people are my people,' and the citizen of Crema to the Cremonese: 'Thy city is my city'!"

A little world by itself, whose component parts were numerous, feeble, and hostile, Italy soon created an organism to take the place which the Empire had left vacant. To know the intentions of one's neighbor, to defeat his hostile designs, to form alliances with his enemies, to steal away his friends, and to prevent his union with others,—became matters of the highest public interest. Less costly and hazardous than war, diplomacy now, in large measure, superseded it with plot and counterplot. But espionage and negotiation demanded secrecy, which favored the concentration of power and the direction of a single mind.

The system long in use by Venice was now applied by every Italian state. Florence was already a skilful adept, but the Venetians carried their methods to a still higher perfection, and Venice continued to be "the school and touchstone of ambassadors."<sup>1</sup>

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<sup>1</sup> In the text of this work, the words "envoy" and "ambassador" have been used in their ordinary literary sense, without technical distinction, as free translations of the Latin words "*missus*," "*nuntius*," and "*legatus*," which are also used indiscriminately by Latin writers. It is, perhaps, desirable, however, to point out certain distinctions which, later, will be of importance.

The name ordinarily applied to an envoy before the fourteenth century was, among the Italians, "*orator*." After that time, the more eminent envoys were called "*ambaxiatores*."

In the middle of the sixteenth century, the Emperor Charles V ordained that the word "ambassador" should be applied only to the

## CHAP. VII

A. D.  
1191-1300

The character of Venetian diplomacy in this period may be best inferred from some of the laws and regulations applied to its agents. By a law of December 22, 1268, an ambassador was not allowed to be accompanied by his wife, lest she divulge his business; but he was required to take

representatives of crowned heads and of the Republic of Venice. Minor states and free cities were not to make official use of the term "ambassador" as applied to their diplomatic representatives. See Reumont, *Della diplomazia italiana*, p. 136.

The current classification of diplomatic agents into (1) *ambassadors*, (2) *envoys extraordinary and ministers plenipotentiary*, (3) *ministers resident*, and (4) *chargés d'affaires*, is entirely modern, and will be considered in the proper place.

The Latin word "*legatus*," translated by "*legate*," and the word "*nuntius*," translated by "*nuntio*" and "*nonce*," with the modification "*internuntio*," have been appropriated by the Holy See to designate its diplomatic representatives. The only other diplomatic officer bearing the title "*internuntio*" was the Austrian minister to the Sublime Porte at Constantinople, now raised to an ambassador.

Three kinds of papal representatives are distinguished: (1) *legati a latere*, designated by the Pope as "*fratres nostri*" and, by a decree of Innocent IV, chosen from the rank of cardinals; (2) *legati missi*, or *nuntii apostolici*, including the lower rank of *internuntii*; and (3) *legati nati*, officers of the Church who possess a representative character by virtue of their ecclesiastical rank, *qui suarum prae-textu ecclesiarum legationis sibi vindicant dignitatem*. These last were apostolic vicars, such as the Archbishop of Mainz and the Archbishop of Canterbury, who permanently represented the interests of the Papacy in their respective countries.

Representation by the *legati nati* was superseded upon special occasions by the missions of the *legati a latere*. These personal plenipotentiaries became offensive to the monarchs and even to the bishops of the countries to which they were sent, and their presence was often resented.

Gradually these extraordinary legations became less usual, and permanent *nuntios* were substituted, having the quality of diplomatic agents. The papal *nuntios* have a double relation to the countries to which they are accredited. On the one hand, they are members of the *corps diplomatique*, in which they take the highest rank; on the other, they exercise a certain supervisory jurisdiction over ecclesiastical affairs. Sometimes, as at present in the United States, a papal officer, styled a "*legate*," or "*delegate*," is resident in a country without being diplomatically accredited.

his own cook, lest he be poisoned. By a law of the same year, any present received from a foreigner was required to be deposited with the state, until the envoy's return from his mission. No diplomatic agent was sent into a foreign territory where he had possessions, nor was he allowed a single day's absence from his post. In 1288, it was required that a complete written report should be filed within fifteen days after the return of the embassy. In the thirteenth century, the duration of a mission was limited to three or four months, and it was not until the fifteenth century that it was extended to two years. The effect of longer expatriation then becomes apparent from the severe laws passed to prevent the disclosure of state secrets. Thus, a law of 1480, forbids conversation with strangers on public affairs and letters on political questions addressed to persons not connected with the government. A decree of 1481 punishes with banishment and a fine of two thousand ducats any conversation with a foreign minister on affairs of state.

That diplomatic missions were not sought for, is evident from the decree of 1271, which imposes a fine of twenty soldi upon any one who, having received a mission, refused to start; and that of 1286, which admits only severe sickness as an excuse for delay. A still more stringent law, of 1360, deprives of public office and emolument for one year an envoy refusing to obey.

It did not require a long experience to prove that, if political power could be secured within the state, it could easily be fortified and perpetuated by compacts and alliances without. The conception of "equilibrium," developed as a necessity of defence, was soon reduced to a science, and served to secure to the Italian commonwealths many of the advantages which might have been afforded by confederation. Always changing, requiring the utmost vigilance and sagacity, the system of transitory alliances, as tested and applied by the princes and republics of Italy, was a prototype and epitome of what all Europe was soon to become upon a grander scale. When the national monarchies came to self-

CHAP. VII

A. D.  
1191-1800The equilibrium  
of Italy

CHAP. VII  
A. D.  
1191-1300

consciousness and developed into modern states, it was to Italian statesmanship, trained and directed by the experience of Italy, that Europe looked for the guidance which was to create an international system. As Italy had given to Europe the Empire — now outgrown and reduced to impotence — so she was to supply the organism, the methods, and to a great extent the agents, of that larger and more permanent development whose results are embodied in the present system of independent sovereign states.

The birth of  
maritime law

The natural correlate of the new order of things in Italy would have been a code of public law for the regulation of intercourse between the commonwealths, but such a code was not yet possible. It was only upon the sea, where the existence of commerce demanded it, that the interests of alien peoples could receive the protection implied by written rules.

The basis of this maritime legislation was the ancient "Tables of Amalfi," in which the customs of the sea had received a written form. This compilation, with such additions as were necessary, was the source of the famous "Consolato del Mare," which the Venetians with great solemnity had adopted as their maritime code, in 1255, in the Church of St. Sophia, at Constantinople; and which was later accepted by the Pisans, the Genoese, the Neapolitans, the Aragonese, and other peoples.

Thus was established a fundamental law for all the ports of the Mediterranean, — the first example of law international among the nations of Europe. Not unnaturally, its provisions were marked by the narrowness of the time; for the enemy's cargo was not only good prize wherever taken, but the neutral carrier was obliged to convey it into port for the benefit of the captor.<sup>1</sup> Still, it was a substitution of

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<sup>1</sup> The "Consolato del Mare," together with the later maritime laws based upon it, may be found in Pardessus, *Us et coutumes de la mer dans l'antiquité et du moyen âge*, Paris, 1817. Chapter CCLXXXIII of the "Consolato," *Di nave di mercanzia pigliata per armata*, contains the following provisions: (1) When an enemy's cargo is taken in



general principles for the chances of arbitrary force, and the auspicious beginning of a new public order in the world. Transplanted to France and to the shores of the Baltic, the rules of the "Consolato" furnished the foundation for the "Jugemens d'Oléron" and the "Laws of Wisby." Thus began upon the sea a law of nations which later times extended to intercourse upon the land, and raised to the dignity of international jurisprudence.

CHAP. VII

A. D.  
1191-1300

## AUTHORITIES

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an enemy's vessel, both are good prize; (2) a neutral cargo in an enemy's vessel is subject to ransom; (3) an enemy's cargo in a neutral vessel is good prize and must be delivered by the neutral vessel in a port available for the captor.

## CHAP. VII

A. D.  
1191-1300

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## CHAPTER VIII

### THE RISE OF NATIONAL MONARCHIES

WITH the exception of the city-states of Italy, it is the Empire and the Papacy which have thus far occupied the centre of the stage in the drama of European diplomacy. Only incidentally has reference been made to those separate kingdoms of the Middle Ages which arose upon the ruins of the Carlovingian Empire, in the Spanish peninsula, or in the more northern and eastern portions of Europe. The reason for the subordinate part played by these monarchies in the general development of Europe is found in their feudal character. "Feudalism does not negotiate, it tramples law under the feet of its horses."

The mediæval kingdoms

Disqualified for a large participation in the great movements of the time, the feudal monarchies had few interests beyond their own borders and little need of international intercourse. Conflicts and alliances with their neighbors were not, indeed, uncommon; but, aside from their interest in the Church and their part in the crusades, no enterprise of European proportions had yet appealed to them, nor were they sufficiently developed as political entities to embark in extensive schemes of foreign policy.

Notwithstanding the isolated existence to which feudalism had condemned them, events of vast importance to the history of diplomacy and to the future of Europe had occurred in nearly all of these kingdoms. It was by diplomacy, rather than by war, that the more important of these feudal states were rising to the dignity of national monarchies, and were being prepared for that great career of influence which has rendered them the most potent and the most permanent elements in the modern political system. It is necessary, there-

## CHAP. VIII

A. D.

987-1313

fore, before we begin the study of the new problems created by their entrance into the field of international activity, to consider by what means and methods they came into being, and the interests and ambitions which determined their future prominence in the larger European movements.

## I. THE GENERAL CAUSES OF POLITICAL CENTRALIZATION

The character  
of the feudal  
monarchies

We have seen how the feudal order was made dominant by the necessity of providing means of resistance to invasion in the period of decline preceding the dissolution of the Carolingian Empire. In every part of Europe, all real authority gradually passed at that time into the hands of the local magnates, — the dukes, counts, and bishops, — who usurped and appropriated the regalian rights, collecting taxes for their own use, employing contingents of the feudal army in their own private quarrels, dispensing justice in their own name, and treating the land and its population as their own private property. The consequence of this revolution — at once social, economic, and political — was the diminution of the royal authority as it had been exercised in the earlier period, and the transfer of power to the hands of the local nobility, lay and ecclesiastic. The kingship had thus become merely titular. Deprived of revenue, of an army, of an administrative organization, and of judicial powers, while surrounded by local magnates, who levied imposts, held courts, coined money, and commanded the armed forces of their feudal domains, the King, outside of his own estates, was reduced to a rôle of comparative unimportance, and was able to claim no higher pre-eminence than that of being the first among equals.

The feudal monarchy was, therefore, a monarchy in theory only; in practice it was anarchy. From the King down to the lowest serf, the series of vassals was unbroken; but it was a hierarchy of private relations. At the head was the King, but between him and the great mass of his subjects stood the intermediary nobles, to whom the people were di-



rectly bound by oaths of allegiance and relations of dependence. The entire social structure thus rested upon territorial rights and a system of land tenure which gave the local magnates complete power over their vassals, while it rendered them practically independent of the King. No form of political organization could be imagined more remote from a strong national monarchy, in which the will of the people could find expression through their national chief, or the head of the state centralize and control the power and resources of his subjects. Between the feudal state and the national monarchy, therefore, lay a long and difficult course of evolution, in which the feudal magnates furnished at the same time the obstacles to be overcome and one of the agencies by which they were to be surmounted.

CHAP. VIII

A. D.

987-1313

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In order to centralize authority in his own hands, Charles the Great had broken up the duchies into countships; thus destroying the possibility of rivalry within the state, while the royal court was kept in close touch with the whole people by means of the *missi dominici*. The successive partitions of the Carolingian Empire and the part played by the local counts in resisting the invasions of the Northmen, the Arabs, and the Magyars, destroyed the system of Charles, dissolved the imperial power, and left Europe in the possession of the feudal monarchies. The disorganized condition in which these were left by the conflicts of the last Carolingians furnished the opportunity for the formation of the great fiefs; and these in turn, at a later time, for the reconstitution of the royal supremacy. By war, purchase, marriage, and negotiation, powerful duchies were established, a wider extension of vassalage was enforced, and this process of centralization finally resulted in concentrating the feudal power in the hands of a relatively small number of persons.

The feudal  
evolution

In this course of development, the kings were active participants. Their private estates were thus enlarged, though not at first more rapidly or more securely than those of their greatest vassals; but the problem of reconstituting the royal power was not only thus made more clear and definite, the

## CHAP. VIII

A. D.  
987-1313

means of its solution became thereby more simple and more available. The feudal theory, upon which these larger aggregations of territorial control were built up, gave to the King one distinct advantage in this process, — all his competitors in this struggle for power were, by this theory, his vassals. Every right of jurisdiction which the feudal lords exercised over their vassals they were obliged, in turn, to concede to him. When feudalism passed into a system of jurisprudence, the King became the chief beneficiary; for every increment of advantage won by the feudal lords over their vassals was, by law and logic, an increase of the royal rights.

By a process of necessity, therefore, the work of centralizing authority in the hands of the great feudatories only prepared the way for placing the entire control of the state in the King's hands, when he should be able to grasp it from them. Thus, unconsciously, feudality passed through a course of development which tended constantly toward the concentration of power. When, by the arts of royal diplomacy, the great fiefs were gathered in as ripened fruits, the union of landed proprietorship with political authority, which feudalism had accomplished, was to render the national monarchs the sole proprietors of their kingdoms.

The influence of the  
crusades

Several causes conspired to promote this result. Among them none was more influential than the crusades, which during two centuries never ceased to affect the social and political organization of Europe. In the period from 1096 to 1291, probably not less than six millions of human beings were put in motion by this cause.<sup>1</sup> Inspired by a great variety of motives, — the nobles to satisfy honor and find adventure, the serfs to acquire personal freedom, debtors to absolve themselves from their obligations, the fanatical to obtain a martyr's crown, and all influenced by a sense of religious duty or enthusiasm, — this multitude, which a

<sup>1</sup> Certain provinces were so depopulated that, according to the Abbé of Clairvaux, there remained hardly one man to seven women, who disputed for possession of him. See Herder, *Essai sur l'influence des Croisades*, p. 263, who cites a contemporary authority.

Byzantine princess compared in number to "the sands of the seashore, the leaves of the forest, and the stars in the firmament," broke up the stagnation of feudal existence and opened new routes across Europe.

CHAP. VIII

A. D.  
987-1313

Whatever their fate might be, the faithful were taken completely under the protection of the Church, to whose service they were committed.<sup>1</sup> Their persons, their wives, their children, and their possessions all passed under its watchcare from the moment they took the cross. Their suzerains might object to their departure, but in vain; for excommunication, then so deeply dreaded, awaited all who disturbed the crusaders in their war against the Infidel. Exempted by papal decree from the jurisdiction of the secular courts, as soldiers of Christ they were subject only to the ecclesiastical judges, except in respect to fiefs. During his absence in the holy war, no crusader could be divested of an object which he had possessed in peace at the time he took the cross.

The effect of such an influence upon the social state of Christendom was far-reaching. Not only were many feudal relations terminated by abandonment, but the status of the serf was changed the moment he became enrolled as a soldier of the Cross. As, by the Code of Justinian, a slave became a freeman after a period of service in the army, so also the crusading serf, by virtue of his enrolment under the banner of Christ, left his servitude behind him.

Emancipa-  
tion from  
servitude

The state of public feeling loosened all bonds and rendered opposition powerless. "The father," writes a contemporary, "dared not oppose the departure of his son, nor the wife to hold back her husband, nor the lord to arrest his serf; for the road to Jerusalem was free to all, by the love or the fear of God."<sup>2</sup>

The example and contagion of free movement, operating through so long a period, could not fail to produce a social

<sup>1</sup> See the General Summons of Innocent III in Henderson, *Select Documents of the Middle Ages*, pp. 340, 341.

<sup>2</sup> *Belli Sacri Historia*, in Mabillon, *Musaeum Italicum*, Paris, 1687-1689, I.

CHAP. VIII revolution. But, while multitudes of men were emancipated from their local lords, all remained subjects of the King.

A. D.

987-1313

An excellent example of the indirect influence of personal liberty is found in the modification effected in the *droit d'aubaine*. By this inhuman custom a stranger became the serf of the noble in whose domains he resided; and, after a year and a day, if he had not attached himself to a particular master, he was subject to a heavy fine. But the crusaders — soldiers or pilgrims — often lost on the way, were soon widely adrift in foreign lands, and could not be treated as ordinary vagabonds. The rights of the crusaders thus furnished a means of security to every fugitive, who had only to show some evidence, real or fictitious, of his crusading intentions, in order to enjoy the immunity of a soldier or a pilgrim. The feudal lords having become habituated to the presence of strangers, the *droit d'aubaine* gradually lost its inhuman severity; for the stranger was finally permitted to live in peace on profession of his vassalage to the King alone.<sup>1</sup> Thus arose a class of "King's men" adhering directly to the sovereign without subservience to the local magnate.

The Third  
Estate

Feudal society recognized only two social classes or estates, the Nobility and the Clergy. These alone had any authority or influence. The population in general, attached to the soil and held in servitude to the feudal lords, lay and ecclesiastic, had no voice in public affairs and but little private property. But in the towns that grew up under the protection of the feudal castles, a new order of society came into existence. At first subject to the will of the feudal lords, these communities by purchase and other means gradually acquired the rights of freemen, and thus arose the Third Estate, composed of free citizens.

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<sup>1</sup> See Croiseul-Daillecourt, *De l'influence*. The *droit d'aubaine* continued, however, to be imposed as a claim upon the property left by the stranger who died in a foreign land, and continued in use generally throughout Europe until it was abolished in France by the National Assembly in 1790.



Before the period of the crusades, these communities possessed but feeble strength and very limited liberties; for the feudal *régime* was unfavorable to their development. But the social revolution produced by the absence of great numbers of nobles in the East, the concessions granted by them for the equipments furnished, the arrangements made for local government during the long expeditions, the increase of the urban population by the emancipated class returning from the crusades, and their rapid development under conditions of greater freedom, gave to the towns a new character and created a *bourgeoisie* of vast utility in augmenting the royal power.

CHAP. VIII

A. D.

987-1313

Under the direction of their communes, — substantial corporations, often armed with royal charters, — the towns grew into wealthy and populous cities, in which industry and commerce enjoyed a new and vigorous life. Beside the feudal nobility, a class of free citizens was thus formed, ambitious to extend its liberties and increase its rights. In the struggle between the kings and the feudal magnates, the cities became the determining force; for in their efforts to throw off the tyranny of the local barons they were in natural alliance with the royal authority. Taking advantage of this powerful support, almost everywhere the kings granted liberal municipal charters to the cities, supported them in their struggles against feudal oppression, and thus became their protectors.<sup>1</sup> In return, the cities — provided with their own magistrates and governed to a certain extent by their own laws — formed their own companies of militia for their defence against feudal aggression, and gladly rendered service and paid taxes to the King in exchange for the royal protection. The more cruel and rapacious the feudal barons became, the more attractive were the broad and liberal requirements of the King. To a population emerging

Growth of  
the cities

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<sup>1</sup> Before the end of the thirteenth century, nearly a hundred French communes had received royal charters, comprising almost all the cities of France.

## CHAP. VIII

A. D.  
987-1313

from the thralldom of feudalism and seeking its further enfranchisement, the kings seemed veritable "fathers of the people."

The stimulating ideas of comfort and luxury brought back from the East, — whose mature civilization was a fruitful revelation to the astonished eyes of the Western pilgrims and warriors, — the opening of new routes of trade by land and sea, the new impulses to industry and commerce, the improvement of ways of communication between city and city, the increased security of possession under the royal protection, the influences operating for internal peace while war was being waged against the Infidel, all combined to build up the cities and to render the citizens not only active, affluent, and patriotic, but devoted to the royal supremacy.

The growth of the cities was not only a fatal blow to feudalism as a *régime*, it opened an asylum of liberty to those who wished to become "King's men." The serf who could escape from his master's domain and succeed in remaining unreclaimed for one year in a city was thenceforth free. Under the pretext of joining a crusade, multitudes escaped from their servitude to enter by this means the class of "burghers," and the municipal authorities — interested to augment the strength of the cities at the expense of the feudal barons — became ready accomplices in this emancipation.<sup>1</sup>

The kings were, in general, eager to avail themselves of this movement toward popular enfranchisement, and even to lead in advancing it. A powerful blow was struck at feudal oppression when, in 1315, Louis X of France accorded liberty to all the serfs of the crown, adding the memorable

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<sup>1</sup> The *droit de cite* was accorded also to persons who could not find habitations within the city's walls, but dwelt outside under its protection. The term "*Pfahlbürger*" — which the French erroneously translated "*faux bourgeois*," from which they derived the expression "*faubourg*" — was applied to persons who dwelt beyond the walls, but whose property was marked with a *Pfahl*, or post, which indicated that they were under the jurisdiction and protection of a city.

The path  
to liberty  
opened

words: "Our kingdom being the kingdom of the 'Frances,' — that is, the 'Free,' — we wish that the fact be in harmony with the name." Thus a wide area of freedom was opened in the midst of feudal servitude, — a new asylum for "King's men," — and the King became the chief liberator of his age.<sup>1</sup>

CHAP. VIII

A. D.  
987-1313

The development of cities and the formation of a citizen class promoted the royal power by placing within its reach at the same time the materials for a permanent military force and the means of sustaining it. The feudal army, composed of contingents of men furnished for short periods by the feudal lords, depended for its very existence upon the co-operation of the nobles, and could not, therefore, always be used against them. But when the King's own immediate forces, augmented by the population of the cities, could be assembled by the direct command of their sovereign and supported by funds obtained from general taxation, the situation was completely changed. With such an army, properly equipped, carefully disciplined, regularly paid, and kept permanently in the field, the King had at his disposition a new and superior force which the local barons could not resist. While they were obliged to depopulate their fields and suspend the industries of their domains, in order to oppose him with an armed force, he had only to march his professional soldiers against them.

The fiscal  
basis of mili-  
tary power

When gunpowder was invented the character of warfare was radically changed. The heavy armor of the mounted knights and the spears and cross-bows of the mediaeval footmen were worse than useless in the presence of disciplined troops armed with flint-locks. When, soon afterward, artillery came into use, the Middle Ages had passed away, so far as warfare was concerned; and feudalism, with all its picturesque but antiquated defences, received its deathblow.

Thenceforth it was money, as well as men, that constituted the sinews of war. Without it, war, in a serious sense, was

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<sup>1</sup> As early as 1302, Philip the Fair had permitted certain serfs to purchase their liberty.

## CHAP. VIII

A. D.  
987-1313

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impossible. It was only the kings, possessing a great number of taxable subjects, and monopolizing the right to coin money, — the value of which they often fixed by arbitrarily debasing the coinage, — who were able to conduct a war. The ordinary nobles were wholly at the mercy of the central power, and only the great dukes could even attempt the unequal contest. Thus, by the introduction of a fiscal system, the establishment of "coin of the realm," the organization of permanent armies, and their equipment with improved weapons, the kings were able to enforce their authority over widening areas of central government.

The  
universities

But it was not as the possessors and champions of brute force that the kings won their most brilliant victories, it was rather by assuming the leadership of the people in every form of social progress in opposition to the rude provincialism and selfish greed of the local barons.

In his reorganization of Southern Italy, Frederick II had set the example of patronizing learning by founding the University of Naples, "in order," as he expressed his purpose, "that those who hunger after knowledge may find in the kingdom itself the nourishment they seek, and not be compelled to go abroad and beg of the stranger."

The act and sentiment of Frederick II were those of the monarchical movement in general, and there were few kings who had not the wit to see in the universities a powerful aid to their royal policies. Originally free associations of teachers and learners brought together by a craving for knowledge and the instinct of imparting it, the universities, under the patronage of the kings, received formal charters, were raised to the eminence of autonomous corporations, and were enriched by munificent largesses from the royal treasuries.

The revival  
of Roman  
law

It was not unnatural that the monarchies and the universities should find themselves not only in sympathy but in alliance, for both represented similar elements of human progress. The expansion which the universities were giving to the human mind in the sphere of thought, the monarchs



were bestowing upon human activity in the field of practice. The revival of the Roman law, which accompanied the founding of the universities, was of incalculable advantage to the royal ambitions. To the diffused authority of the feudal order was thus opposed a system of absolute and centralized power, such as had existed in the ancient Roman Empire. In this system, everything tended to exalt the monarch. "*Quod principi placuit legem habet vigorem*," was an unequalled corner-stone for the theory of royal power, and was in little danger of qualification in that age by the doctrine of popular sovereignty, which historically underlay it. In making the teachers and lawyers their friends and supporters, the kings attached to their cause the learning of their time, and were thereby amply rewarded for their generous patronage.

CHAP. VIII

A. D.

987-1313

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Everywhere in Western Europe, Rome now resumed her ancient empire through the influence of her law; but with an important modification, — it was subdivided. Every king, except the King of England, founded his rights, not only on the feudal code, — when this suited his convenience, — but on the Roman jurisprudence, when that was more advantageous. Reaping all the advantages of the feudal hierarchy, of which he was the head, the King now added the support of the imperial legislation, which made him absolute. Thus, after repeated transformations, the imperial idea, divested of its universal character, but still armed with the strong weapon of Roman law, received a new embodiment in the national monarchies. Risen once more from the dead, imperialism, under the guise of royal prerogatives and fortified by the loyalty of liberated peoples, was to continue its sway over a great part of Europe. The *imperium*, after being shattered for a time by feudalism, was thus to become once more European by ceasing to be Roman.

In one kingdom only was the Roman law destined to fall before its Teutonic rival. In England, native custom, deeply rooted in the prejudices of the people, repudiated the Roman theories and clung tenaciously to its local forms. There, the

CHAP. VIII

A. D.  
987-1313

followers of Irnerius found few disciples, and it was with difficulty, and even in opposition to the royal will, that the new doctrines even secured a hearing. When, after a heroic struggle, the Bolognese lawyer, Vacarius, continued to teach the Roman law at Oxford against the prohibition of King Stephen, it was academic freedom rather than the exotic doctrine that had won the day. Never assimilated by the English mind, in the twenty-fifth year of Henry VIII, the Roman law was formally rejected, and English jurisprudence continued to rest upon the customary law of the land.<sup>1</sup>

The significance of this determination is not to be overlooked. While, upon the continent, the prince became the source of law and authority, in England these were referred to immemorial rights belonging to the people. When, in later centuries, the peoples of continental Europe were begging their liberties from their kings, England was governed by its parliament of lords and commons.

Royal justice

But whatever advantage the royal supremacy acquired by legal theory, it enlarged and increased by judicial practice. At first invoked as the mediator between the cities and the feudal nobles, and between the nobles themselves in their interminable disputes, the kings at last became the supreme magistrates of their realms; and their courts, more capable

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<sup>1</sup> When, early in the twelfth century, Vacarius founded a school of Roman law at Oxford, about the same time that Placentinus introduced instruction in that subject in France, King Stephen ordered the destruction of all his manuscripts, and forbade Vacarius to give lectures. The King's order was soon revoked, because the University insisted upon the principle of the freedom of teaching. See Savigny, *Geschichte des römischen Rechts im Mittelalter*, IV. Under Henry II, English law made a great advance, and Edward I—who has been called the “English Justinian”—completed the triumph of Anglo-Saxon ideas. In the twenty-fifth year of Henry VIII, the principle was definitely laid down, that the kingdom obeys only such laws as have been made in England, or such as the people have freely adopted by their own consent or long usage, representing the tolerance, consent, or custom of the kingdom. Consult also Blackstone's Commentaries.

and less partial than the local judges, distributed a purer quality of justice among the people.

CHAP. VIII

A. D.

987-1313

The ability to enforce the decisions of the royal courts was an important adjunct to their usefulness, and "royal justice" was thereby able not only to win the approval of the just and the gratitude of the oppressed, but to strike terror into the hearts of grasping landlords and robber barons.

When private property and personal safety were once made secure upon "the king's highway," whence brigands and outlaws were hunted to their lairs, trade assumed a new importance, honest industry became attractive, and the class of citizens began to form a national consciousness centred about the person of their king. The Third Estate thus became the foundation of the national monarchies, and the union of king and people assumed an almost sacred character. To fail or to deceive the King became a shameless treason; for he was the representative of law, order, and public safety in the struggle with feudal greed and anarchy.

But the contest between the royal and the feudal power was not, in the main, an open and unqualified conflict, either of ideas or interests. Great numbers of the feudal lords were themselves just, generous, and progressive, nobly striving to maintain peace within their borders and to lift up the servile class committed to their care. The kings, in general, were not better than their chief vassals, but often worse. The selfish, cruel, and unwise monarchs needlessly embroiled their realms, and thereby retarded by long periods the social progress of which monarchy was the only available instrument. But the real "fathers of the people," who loved justice and hated iniquity, deserved and often obtained the earnest co-operation of the great feudal lords, or at least of a large and influential following.

The kings  
and the  
nobility

It was from the feudal nobility that blossomed into flower that institution known as "Chivalry." Its fundamental principle was the sacrifice of personal interest for the sake of a cause worthy of self-renunciation. Rooted at the same time in religious conviction and in the personal freedom that

## CHAP. VIII

A. D.  
987-1313

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springs from physical exemption from toil and care, it was in its very nature a passion of self-devotion. Ripened and enriched by the experience of the crusades, Chivalry reached its zenith in an age when enthusiasm was joined to freedom. The knight was always a noble, however poor he might become; but a noble who set some ideal of conduct and achievement above his appetites and passions.

From this class the developing national monarchies derived a large and powerful constituency of friends and supporters. It was from among this branch of the nobility that the kings often chose their friends, their lieutenants, and their counsellors. Gallant toward women, respectful toward ecclesiastics, sympathetic toward the unfortunate, the young cavaliers, whose elder brothers absorbed the family estates, found in the royal court and service a field for ambition and a path to fortune.

The orders  
of nobility

Quick to perceive the advantage of organizing and appropriating this virile class of young men, the kings, imitating the action of the popes in founding the military orders in the East, established similar orders for their own service.<sup>1</sup>

Spain and Portugal led the way, in the middle of the twelfth century, with the orders of Alcantara, St. James of Compostella, Avis, and Christ; England followed with those

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<sup>1</sup> "En Espagne, il est fort douteux," says Heeren, "que Ferdinand et Isabelle eussent conquis si facilement le royaume de Grenade, et eussent eu aussi bon marché des Maures, sans les ordres de chevalerie espagnole. Leur utilité fut encore plus marquée quand les rois d'Espagne se mirent eux-mêmes à leur tête. Il en fut de même en Portugal. Ces princes, en devenant grands-maîtres nés et perpétuels de tous les ordres établis dans leurs états, gagnèrent par-là non seulement des revenus considérables, mais aussi une foule de places à donner, et de moyens de se faire des créatures et des partisans dans les assemblées des états; par conséquent, d'accroître et de consolider leur pouvoir." — Heeren, *Essai*, pp. 250, 251. Ferdinand the Catholic became grandmaster of all the Spanish orders, and John III of all those of Portugal. It was the wealth of the Order of Christ that gave to Henry the Navigator the means to make the great expeditions of discovery.



of St. George and the Garter; and the creation of orders was soon made general.

CHAP. VIII

A. D.

987-1313

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Thus the spirit of Chivalry became enlisted in the cause of the kings, and found its reward in titles of honor and external marks of sovereign favor. However ridiculous the modern abuse of such orders may seem to be, at the time of their creation they served the high purpose of stimulating public service for honor's sake alone. The nobility of sentiment thus took its place beside the nobility of landed possessions, happy in the testimonials from the hand of the king for whom life had been risked or fortune renounced. It was precisely in the trifling value of these rewards that their great worth consisted; for they were, in the strictest sense, "rewards of honor," — the honors that honor alone could win.

Although the kings were ready to utilize the chivalric sentiments of their subjects in building up their power, they were not always disposed to sacrifice themselves for the larger interests, real or imaginary, of the Church and of Christendom. Only a few of the rising monarchs personally led their feudal armies to the Holy Land in response to the urgent appeals of the popes, nor were they inclined to renounce their private passions and local interests at the command of the Apostolic See. In the period of their early struggles, they were favored by the Papacy, partly because of their close alliance with it, partly because they were useful in the struggle with the Empire, and partly because feudalism, as the representative of force and stubborn local independence, was a common enemy. When Frederick II was fighting his fatal battle with the popes, the kings, who had not yet realized the antagonisms that were awaiting them, were still finding a large advantage in the papal favor, inspired by the new theory of a presidency over kings as a substitute for the Empire. But, as we shall presently see, the royal and the papal interests were destined to a depth and bitterness of antagonism far surpassing the predictions of Frederick II. As the kings lost their feudal

The kings  
and the  
Papacy

## CHAP. VIII

A. D.  
987-1313

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character and became animated with the national imperialism borrowed from the Roman jurisprudence, the limits placed upon their supremacy by the claims of the Holy See grew more and more unendurable, and revolt became inevitable. It was in the *dénouement* of this dramatic struggle between a universal potentate and local sovereignty that the Papacy followed in humiliation the Empire it had crushed, and Rome ceased to be the centre of the world.

## II. THE EXPANSION OF THE KINGDOMS

The begin-  
nings of  
France

In the last days of the Carolingian emperors, the country which we now call "France" was composed of three great regions: Francia, Burgundia, and Aquitania. After the fall of the Carolingians, each of these regions led a practically separate existence; "Francia" being reduced to the limits of the country lying about Paris, wholly shut off from the sea, and surrounded by the powerful duchies of Flanders and Normandy on the north, Brittany on the west, Aquitaine and Burgundy on the south, and the imperial territory of Lotharingia on the east. The King of France was a titular sovereign, without extensive domains, often stricken with poverty, yet able to perpetuate a certain prestige through the memory of a glorious past.

The kingdom first became a reality when, in 987, Hugh Capet was elected "King of the French." In one sense the transfer of the royal title was a triumph of feudalism, for it was the power of Hugh Capet as a feudal lord which enabled his dynasty to lift the monarchy from the low estate to which it had previously fallen and build up an important kingdom upon the interests and instincts of the French nation. But the Capetian kings, endowed with great vigor of mind and body, gradually found means to wrest from their former equals their divided power and to erect a monarchy in which the title and person of the king became pre-eminent.

For the accomplishment of this purpose they employed every means. Ingeniously appropriating the rights and

prestige of the Carolingian royalty, closely allied with the Church, and always blessed with a male heir for more than three hundred years, the dynasty was enabled to carry out its ambitious projects with a continuity almost unparalleled in history. Every feudal right, every new element of social progress, every opportunity of fortunate marriage and profitable alliance was keenly utilized. While the German kings were pursuing the imperial phantom south of the Alps and in the East, the Capetian dynasty, with only slight interruptions, steadily continued its task of founding a great national kingdom.

CHAP. VIII

A. D.

987-1313

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A strange circumstance gave to the kings of France a competitor that called forth their highest energies. For many centuries it would have appeared impossible for the island of Great Britain to exert any important influence upon the destiny of continental Europe, or to play a considerable part in the civilization of the world. Invaded and conquered by successive migratory peoples, — Romans, Anglo-Saxons, Scandinavians, and Normans, — the island became a meeting place of nations, in which the original Celtic population was to play only a secondary part.

The Norman  
conquest

It was the Norman conquest of 1066 which first brought the island into vital relations with the continent. At one stroke, a vigorous kingdom, feudal in its organization, but dominated by William, Duke of Normandy, took its place among the states of Christendom. From every point of view the kingdom assumed high rank among the rising monarchies of Europe, but the accident of conquest had given it a king who was also a vassal of the King of France.

While the conquest of Wales, the union with Scotland, and the ultimate control of Ireland were, from the first, almost inevitable events, further territorial expansion appeared improbable. A personal union between the Kingdom of England and the Duchy of Normandy contained, indeed, indefinite possibilities; but it could hardly have occurred to the Englishmen of that time that an island conquered

The insular  
character of  
Great Britain

## CHAP. VIII

A. D.

987-1313

by a vassal lord of France was to dispute with its native kings predominance in that kingdom. Yet it was in pursuit of this unprofitable adventure that the English monarchy — overlooking its natural empire on the sea — was to postpone for centuries its territorial unity and waste its energies in war with France.

The natural security of the island, protected by its isolation from the continent and its frontiers of sea and ocean, afforded it the undisputed possession of a little world apart from the intrusion and policies of other nations. Here, with the exception of the Scottish border, were no flexible frontiers to be adjusted by war and negotiation. A divided and rebellious nobility could here derive but little profit from intrigues and alliances with foreign powers, and the part which Scotland and Ireland were to play in this direction sealed the necessity of their ultimate incorporation in the British body politic. The destinies of the English monarchy and of the English people were, therefore, to be worked out with a singular freedom from foreign influences. One of the most composite of all the European peoples, and uniting in its blood a wider range of ancestral experiences than any other, the English were to assimilate all these elements in a national life of exceptional richness and enterprise, peculiarly self-confident and self-satisfied.

The possessions of  
Henry II on  
the continent

But while England was thus to lead a life apart, — European without being continental, — the connection with France was, by the feudal relations of William the Conqueror, of necessity made intimate. The thirty miles of water which intervened between the coasts of Normandy and England was not a more formidable barrier to intercourse than the same distance across a country infested with robber barons, and for all purposes England was nearer to France than any of the continental kingdoms.

In 1133, Normandy, Anjou, and Maine were united in the person of Henry Plantagenet, Count of Anjou, who, upon the death of King Stephen, in 1154, became King of England. In 1152, he had married Eleanor of Aquitaine, —



whom Louis VII of France had repudiated, — thereby acquiring a right to that great duchy.<sup>1</sup> Thus, under the first of the Angevin kings of England, were united the two great powers of Northern and Southern Gaul, — Normandy and Aquitaine, — surpassing in extent the dominions of the French king and all his other vassals taken together. In 1171, Henry acquired a part of Ireland and rendered Scotland a vassal. In the same year, Brittany also came under his control. Great Britain was now theoretically united, and two-thirds of France, including all the sea-coast, were possessions of the English king.

CHAP. VIII

A. D.

987-1313

But while the House of Anjou gloried in these wide dominions, Henry II held those on the continent, not in his own sovereign right, but as a vassal of the King of France. He was, however, in extent of territory and in the amplitude of his alliances, more powerful than his suzerain. In relations of amity with the Lombard cities and with Henry the Lion, Duke of Saxony, — his powerful son-in-law, — he had friends also in Spain, Sicily, and even in Scandinavia. Before his death in 1189, his power over the lands encircling the King of France had grown to immense proportions. But the vast possessions of Henry II were the result of happy accidents and bold aggressions, which gave no guarantee of permanent security; and when his great personality was removed by death, the real strength of the French monarchy came plainly into view.

The position  
of Henry II

The power of the French crown had been confined to a very limited area, but it had been exercised with great sagacity. Shut in by the powerful duchies that surrounded it, no opportunity had been afforded for a wide intercourse with distant peoples. But within his little realm, Louis VII, after repudiating Eleanor and losing Aquitaine, had brought the barons about Paris under his control, had gathered under the royal tutelage the great ecclesiastical foundations, and

The progress  
of the French  
monarchy

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<sup>1</sup> It was owing to her misconduct during a crusade that Louis VII procured a divorce from Eleanor.

CHAP. VIII

A. D.

987-1313

had made progress with his immediate neighbors. The powerful house of Champagne, possessing also the County of Blois, would have been able to resist him; but this great feudatory was by a marriage alliance closely united with the crown.

In the south of France, the great House of Toulouse was practically an independent power. Under the first five Capets, no service had been rendered by its counts to the King. Contiguous to Spain and long associated with the Empire, it had ceased to be in reality a part of France. By his marriage with Constance of Castile in 1154, Louis VII was brought into contact with this great region of ancient Gaul, where he was able to counteract in some degree the influence of his rival of the House of Anjou.

Thus, without brilliant feats of statesmanship, Louis VII had steadily built up the kingdom which he was to transmit to his greater son. When, therefore, in 1180, Philip Augustus came to the throne of France, he inherited a kingdom compact in territory, ably organized, and fitted for permanent expansion.

The *entente*  
between  
England and  
France

Henry II had no intention of claiming for himself the crown of France. On the contrary, his chief purpose was to render Louis VII inoffensive by surrounding him with a network of superior influence, and to control his conduct under the guise of vassalage. A treaty signed at Ivry, in 1177, had announced the friendship of the two sovereigns and their vow of mutual protection. In 1180, this engagement was renewed with Philip Augustus, and the differences between them were referred to an arbitral commission. It seemed for a time as if the good understanding was to be perpetual.

But Philip was born to be a great king, and was not long in discerning the fact that France was encompassed by narrow limitations. Early in his reign, while he was one day lost in meditation, one of his barons remarked that he would bestow a charger on the man who could disclose the subject of the King's thoughts. A young knight sped to

the King and prayed him to reveal them. "I was wondering," said Philip, "whether, on some future day, God would ever think fit to bestow on me, or some other king of the Franks, this favor, — the restoration of the realm of France to its former position, to the extent and renown which it once enjoyed in the days of Charles the Great." With such an ambition in his heart, it was impossible for Philip Augustus to look with favor upon any vassal greater than himself.

While Henry II did not hesitate to do homage to Philip, the proud young prince did not shrink from conspiring with Henry's sons against him, and finally provoked him to open war. In the last months of Henry's life, the King of France defeated his army and imposed upon him all his demands. Two days before his death, Henry II again did homage as a vassal to the triumphant king.

Although Philip of France and Henry's son, Richard Coeur de Lion, pledged to each other perpetual friendship when, in 1190, they started together for the crusade in the Holy Land,<sup>1</sup> when Philip returned he at once began his encroachments upon his great vassal's feudal rights. While Richard was a captive in Germany, his brother John eagerly received as Philip's vassal all of Richard's continental lands. When Richard was released from captivity, war was promptly declared against the King of France; for Philip had already made great progress in his schemes. But, in 1199, John — the weakest and least able of the Plantagenets — succeeded to the throne of England and the rights he had previously usurped. Another claimant, Arthur of Brittany, was now put forward for the estates of Anjou, and John was ordered to surrender his French fiefs to his less formidable rival. Upon refusal, in March, 1202, the King of England was summoned to appear in France and answer charges brought against him.

CHAP. VIII

A. D.  
987-1313The fall of  
the Angevin  
power in  
France

<sup>1</sup> The agreement between Philip Augustus and Richard Coeur de Lion was made in 1189 and may be found in Rymer, *Foedera*, I, p. 20.

## CHAP. VIII

A. D.  
987-1313

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In the year 1200, Philip had chartered the University of Paris, and had thereby attached the French lawyers to the cause of royalty. He now proposed to assert his claims to the Angevin possessions before his own royal court. The King of England naturally declined to appear for judgment before the "peers of France"; and was, therefore, sentenced, in default, to be divested of all his fiefs held under the French crown.

The "disappearance" of Arthur of Brittany, a few months later, only promoted the triumph of the King of France. Being already forfeited in law, it only remained for the King to execute the sentence, in order to possess the Angevin lands. One after another, the castles fell into Philip's power. But the progress of the royal armies was not accomplished by military force alone. New charters to the cities and new privileges to the citizens won for him the adhesion of the towns. In three years, more than fifty grants of confiscated lands added friends to the royal cause. Finally Normandy was won, Anjou and Touraine were in Philip's hands, and only Aquitaine — the inheritance of Queen Eleanor — was left. By the Queen's death this great duchy was also declared to be forfeited, and John "Lackland" was without legal possessions on the continent.

But Philip Augustus was not yet master of France. A great struggle awaited him, in which the odds appeared for a time to be on the side of his enemies. By an alliance with the Emperor, Otto IV of Germany, and the Count of Flanders, John appeared to have formed a powerful coalition against him. The Emperor, as we have already seen, hoped to revive his fortunes by a victory over the French and to weaken the rising cause of young Frederick II, to whom Philip Augustus had offered his friendship. The battle of Bouvines, fought on July 27, 1214, displayed the military genius of the King of France. In determining the future of the kingdom, it was, perhaps, the most decisive victory ever won by a French army. At one stroke it raised the monarchy to a place of proud pre-eminence; but its chief im-



portance lay in its effect upon the national sentiment of France. The triumphal march to Paris and the joyful demonstrations there proved that a great nation had been born. Thenceforth Philip Augustus was, in reality, King of France. Flanders, Normandy, Touraine, Anjou, Maine, and Poitou were all united in his grasp. Only Aquitaine was left to be taken from his English vassal.

CHAP. VIII

A. D.  
987-1313

In striking contrast with the strength of the French monarchy, was the disordered state of England. Years of foreign war, added to the dissensions of king and people over the Great Charter, had left the monarchy enfeebled. But England as well as France had profited by the misfortunes of King John; for, while France had advanced in territorial growth, England had wrung from the hand of the enfeebled king the charter of her liberties.<sup>1</sup>

The Peace  
of 1259

Although John's successor, Henry III, was a light-minded ruler, he was not disposed to sacrifice his continental rights, nor to submit them to the sentence of the "peers of France." During his minority the regents vainly endeavored to reconquer his lost dominions. In 1225, Magna Charta had received its final form and definitive confirmation, and Henry, having composed his internal troubles, made a new attempt in 1232 to regain Normandy, Maine, and Anjou; but the effort again proved futile. In 1242, the defeat of his army was followed by a truce, which during twelve years was repeatedly renewed. Finally, in 1254, he made a journey to Paris for the purpose of conferring with Louis IX, who had just returned from the Holy Land, regarding the confiscation of his French fiefs. The great crusader was favorably disposed to a reconciliation, and even to a restoration of a part of Henry's lands; but his principal nobles endeavored to dissuade him by saying that, if the proposed restitution was inspired by delicacy of conscience, he might be at ease; "for the confiscations made by Philip Augustus were due to the felony of John Lackland, who had refused

<sup>1</sup> For the Great Charter, see Stubbs, *Select Charters*, p. 296 *et seq.*; and Henderson, *Select Documents*, p. 135 *et seq.*

CHAP. VIII to present himself before the court of peers." To this, Louis IX replied that "he did not doubt the legitimacy of his possessions, but wished to establish a solid peace between the two crowns; and that, if he restored certain provinces, it was to assure the undisturbed enjoyment of those whose cession he demanded."

A. D.

987-1313

Although the barons retarded the decision of the King, on October 9, 1259, Louis IX concluded a treaty with Henry III, in which peace was established by granting to the King of England his inheritance in Aquitaine, — including Limousin, Quercy, and Perigord, together with Bordeaux, Bayonne, and the rest of Gascony, — as well as the Norman islands, all to be held by Henry and his successors in fief to the crown of France. The King of England was to pay an annual tribute sufficient to maintain five hundred horsemen; Prince Edward was required to join his father in the renunciation of all their rights to Normandy, Anjou, Maine, Touraine, and Poitou; and Henry III became a peer of France, with the title "Duke of Guyenne." Thus, the King of England, by a new vassalage, practically legalized the confiscations of Philip Augustus, publicly did homage to the King of France, and, on December 4, 1259, took an oath of fidelity to him.

The real  
nature of  
the peace

By this transaction France acquired by cession an immense seaboard and an extent of territory which gave to the King a vast preponderance over any of his vassals; but it had laid the foundation for a quarrel which was not to terminate until nearly two hundred years of strife had exhausted both contestants. On neither side of the Channel was the arrangement popular. The English complained of the shameful sale of hereditary rights, but even more bitterly of the new servitude. By promising that his own direct vassals would assume fidelity to France, the King of England had released them from loyalty to himself, if England and France should ever be at war.<sup>1</sup> The French were, however,

<sup>1</sup> See the complaint of John Peckham, Archbishop of Canterbury, in Rymer, *Foedera*, I, Part IV, p. 80.

as little satisfied as the English; for they considered that, in leaving England a foothold on the continent, Louis IX had paid too high a price for the vassalage of the English king. Only the two principals were happy over their bargain: Henry III, because he had closed an open breach and concluded peace; Louis IX, because, as he coolly observed, "Henry was not my vassal, but he has voluntarily become one!"

CHAP. VIII

A. D.  
987-1313

But time was to disclose the keen perspicacity of the King of France. A saint in the estimation of his age, the wisdom of the serpent was concealed in the heart of his humility. His ambition to render Henry his confessed vassal was far from being the deepest current of his guile. His problem was to force the English entirely out of France. Instead of attempting it by war, which would probably have proved beyond his strength, he chose to accomplish it by strategy.

The Treaty of Paris of 1259 was a perfect web of conditions and restrictions. Its tangle of provisions not only made the King of England the vassal of France, but enmeshed him in all the intricacies of feudal law, of which the suzerain had become the judge as well as the interpreter. The victim was placed in a position where he had either to submit to a gradual but inevitable dismemberment, or resort to force, and thereby justify the conquest of that which he still possessed. The process of confiscation was thus wholly in the hands of France, left free to choose its times and occasions of spoliation.

With farsighted wisdom, Louis IX not only secured to France the advantage which the vassalage of the English kings afforded in the task of territorial expansion, but he foresaw the struggle with the Papacy in which the monarchy was later to be engaged, and forearmed France against it. By the Pragmatic Sanction of 1269,<sup>1</sup> he laid down the

The policy  
and influence  
of Louis IX

<sup>1</sup> See Leibnitz, *Codex Juris Gentium Diplomaticus*, Hanover, 1693. In this document Louis IX put an end to the exactions of money by the Holy See by which the kingdom had been reduced to a state of misery. See also Flassan, *Histoire*, pp. 125, 126.

## CHAP. VIII

A. D.  
987-1313

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principle that the Kingdom of France depended on God alone, and declared null and void whatever pecuniary exactions the Holy See might at any time in the future impose upon France. Sustaining his reputation for piety by renewing and confirming the immunities accorded to the clergy by previous kings, he at the same time illustrated his patriotism by founding the liberties of the Gallican Church.

While his conspicuous piety, his devotion to the crusades, and his generosity toward religion enabled Louis IX, without opposition, to guard the civil rights of his kingdom; his fidelity to his engagements, his love of peace, and his practical judgment gave him a distinct pre-eminence over the sovereigns of his time. At Rome, he had endeavored to end the estrangement between Gregory IX and Frederick II. With great sagacity he had opposed the project to make his brother, Robert of Artois, emperor in Frederick's place; and had labored to dissuade Charles of Anjou from his disastrous adventures in Sicily. When peace had been made with Henry III of England, Louis was called upon to arbitrate at Amiens the differences between the King and his English nobles. Before his death, on August 25, 1270, France had gained a moral influence in Europe comparable to the military distinction which Philip Augustus had conferred upon it.

The Spanish  
peninsula

Unhappily for France, the prestige acquired by St. Louis was to be in a great degree sacrificed by his son and successor, Philip III. It was in the reign of this king that France came into vital relations with the Spanish peninsula, hitherto confined to a mere provincial existence, but henceforth to play a conspicuous part in the diplomatic drama of the world.

For nearly seven centuries after the conquest of Spain by the Saracens, it was practically lost to Christendom. A feudal nobility, immersed in its own interests, could form no clear idea of that greater European community which had been dissolved by the dismemberment of the Roman Empire, and Spain was as little known as Africa. The traditions of



the lost relationship were, however, to be revived when the Infidel was driven from the land and Christian states arose to re-establish the ancient fellowship; but, during the Arab occupation, no general European effort was made to reclaim this vast territory, which had not only been lost to Christendom but offered a serious menace to its security. The enthusiasm of the mediaeval popes and chivalry in rescuing and occupying the Holy Places in the East only serves to render more conspicuous the general indifference, after the time of Charles the Great, — broken only by the call of Innocent III in 1211, — to the presence of the Infidel in the most western of European lands. While the Papacy claimed as a possession of St. Peter the whole area south of the Pyrenees, no organized endeavor was made to redeem it from the occupation of the Mohammedan invader, and only isolated adventurers went forth to seek their fortunes in this field of conquest.

CHAP. VIII

A. D.  
987-1313

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Abandoned by Europe and left to work out its own deliverance, the Spanish peninsula slowly and painfully restored itself to Christendom. By 1210, nearly half the peninsula had been recovered from the Saracens. Portugal, Leon, Castile, Aragon, and Navarre had then entered the list of Christian countries, but the energies which should have been concentrated upon expelling the invader were dissipated in conflicts with one another. The definitive union of Leon with Castile in 1230 at last created a Christian state strong enough to beat back the frontiers of the Arabs, and the internal decay of the Mohammedan dynasty opened the path of further conquest to the Christians.

The restoration of  
Spain to  
Christendom

But the influence of the Moorish occupation imparted to the land and people a tinge of orientalism that has never ceased to characterize the Spanish civilization. The stately courtesy of its nobility, the grave formality of its social intercourse, the sonorous dignity of its language, the intensity of its religious zeal, and the jealous seclusion of its women are all traces of the long residence of the Moors in Spain. When Christianity at length triumphed, the hatred of heresy had

## CHAP. VIII

A. D.  
987-1313

burned itself deep into the Spanish character. The long and bitter struggle with the Infidel had engendered an intolerance of religious error that has often seemed to other nations the bigotry of fanaticism.

The first serious approaches of France and Spain disclose the rivalry that was for centuries to mark their intercourse.

The inheritance of Toulouse and the adventures of Philip III in Spain

The death of Alfonso of Poitiers, brother of Louis IX, and his wife, Jeanne of Toulouse, in August, 1271, caused the counties of Poitiers, Toulouse, and Auvergne — with the exception of a small fief claimed by the King of England and the Venaissin, near Avignon, which had been ceded to the Papacy in 1229<sup>1</sup> — to fall to Philip III. In 1274, another death, that of Henry, King of Navarre and Count of Champagne and Brie, who left only a daughter, enabled Philip III to appropriate Champagne and Brie, and by affiancing the Princess Jeanne to his own son Philip, to claim the throne of Navarre. Thus the King of France became possessed not only of a great region on the Mediterranean coast but of one of the Spanish kingdoms.

The death of Alfonso X of Castile, a few years later, opened another Spanish succession, to which the sons of Philip's sister Blanche, who had married Ferdinand, the heir to the crown, had claims. The Castilian Cortes passed over these children and offered the crown to a younger son. Philip III embarked in a fruitless war to secure the inheritance of his nephews, but a third adventure in the Spanish peninsula was soon to engage his attention.

The Sicilian Vespers and the transfer of Sicily to Peter III of Aragon, in 1283, after the overthrow of Charles of

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<sup>1</sup> In 1229, Raymond VII, Count of Toulouse, had been constrained to cede to the Pope the county of Venaissin. It passed into possession of the Papacy, but was retaken in 1234 by Jeanne, daughter of Raymond VII, who bequeathed it to Charles of Anjou, Count of Provence and King of Sicily. Philip III of France, claiming as heir all the lands of Alfonso of Poitiers and Jeanne of Toulouse, at the request of Gregory X ceded the Venaissin again to the Papacy. It did not include Avignon, which, as we shall see, at the time of the papal residence there, belonged to the counts of Provence.

Anjou, were heavy blows to the pride of France ; and Philip III permitted himself to be drawn into the conflict. Ready to grasp at every apparent advantage, when the Pope, Martin IV, offered the crown of Aragon to Philip's son, Charles of Valois, the offer was eagerly accepted, and an expedition was led by the King in person to execute the papal grant. In the midst of these vagaries, in which the rights of nations were ignored, the papal disposition of crowns accepted, and the legitimate task of building up his kingdom neglected, Philip III died at Perpignan, on October 5, 1285, leaving to succeed him a greater administrative genius than France had yet possessed.

CHAP. VIII

A. D.  
987-1313

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Philip IV, called the "Fair," inherited the Spanish wars ; but, seeing the necessity of organizing France, he took little interest in them. Three tasks appeared to him to be worthy of his supreme efforts: (1) the dispossession of the King of England in Guyenne ; (2) the reduction of Flanders ; and (3) the centralization of power in his own hands throughout his entire realm.

The policy of  
Philip IV

The policy of Philip IV marks him as the first of the modern kings of France. His favorite counsellors were found among the adepts produced by the great law schools of Paris and Montpellier, whose clear, cold judgment, devoid of chivalrous sentiment and religious scruples, grasped with tenacity the material interests of the state. Among these advisers, Peter Flotte and William Nogaret, drawn from the *bourgeois* class and owing their advancement solely to their ability to promote the royal cause, rose to places of great distinction in the kingdom and were intrusted with the royal seal.

It was by legal process rather than by force of arms that Philip IV, under the direction of these jurists, sought to accomplish the objects of his ambition. Every great enterprise in which he embarked took the form of a lawsuit before he attempted to achieve his end by force.

Even in his foreign relations, the King of France followed the counsels of his jurists. Before his time, French

## CHAP. VIII

A. D.  
987-1313

diplomacy consisted in brief and infrequent missions, whose negotiations were chiefly oral. With his reign begin the traditions of the French chancellery. The number of embassies increases, correspondence takes on a formal character, and while ecclesiastics of high station continue to serve as envoys, the hand of the notary is henceforth seen in all the public transactions.

In 1291, the new diplomacy bore fruit in the international congress, almost European in character, held at Tarascon, — where the kings of France, England, Naples, and Aragon, and the Holy See were represented, — with the purpose of composing the differences of the time. Although a peace was signed and the papal mediation was undertaken to secure its execution, the results were only transitory. Philip IV, after an interval of peace with Edward I of England, resumed the policy of Philip Augustus toward his vassal and resolved at the same time to subjugate the Count of Flanders.

The aggres-  
sions of  
Philip IV  
and war with  
Edward I

For the first enterprise, the time seemed favorable. Edward I was occupied in confirming his recent conquest of Wales and in waging a war with his vassal kingdom of Scotland. There was no special cause for hostility between the two kings;<sup>1</sup> but, seeing that Edward I was wholly pre-occupied at home, Philip IV seized the occasion of a quarrel between some English and French sailors to enter the territories of his vassal with an armed force, at the same time citing him to appear in France, in November, 1293, and answer for failure to perform his obligations as a vassal. Fearing, as a suzerain, to set a bad example to his own vassal, John Balliol of Scotland, King Edward dared not openly rebel, but pleaded illness. Perceiving that the King of France intended to treat him as Philip Augustus had treated John Lackland, Edward I adopted a policy of conciliation, married Margaret, the sister of Philip, and sought to terminate the trouble by the intervention of the two queens. But all was in vain. Then, seeing that an *entente* was hope-

<sup>1</sup> See Déprez, *Les préliminaires de la guerre de cent ans*, p. 11.



less, he prepared for war. For five years the conflict continued, complicated by Philip's war in Flanders, until October, 1297, when a truce was signed and the questions at issue were referred to the arbitration of the Holy See.

But the two kings were about to be united in a contest of still larger import in their controversy with the Papacy itself. Before the arbitral sentence of the Pope — confirmed at Montreuil-sur-Mer on June 19, 1299, and ratified by the two kings — had been carried into execution, the interests of the two monarchs were blended in the common cause of resistance to the papal pretensions. On May 20, 1303, the King of France was, therefore, ready to restore to Edward I all his rights and to sign with him a treaty of peace and friendship.

CHAP. VIII

A. D.

987-1313

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### III. THE CONSOLIDATION OF ROYAL POWER

The height of worldly power and responsibility to which the reign of Innocent III and his successors had raised the papal office was now to be impressively exhibited. After the death of Nicholas IV, the rivalries of the Orsini and the Colonna at Rome had threatened a permanent deadlock in the College of Cardinals, and for nearly two years the Holy See had remained vacant; when, on July 5, 1294, it was unanimously agreed to confer the tiara upon a holy hermit, Peter of Murrone, as a worthy successor of the fisherman of Galilee.

The pontificate of  
Celestine V

This pious and simple-minded anchorite, dwelling in a lonely hut in the mountains, received with astonishment the messengers of the cardinals who came to announce his election to the papal throne. A singular religious enthusiasm filled all Italy, as proud prelates cast themselves upon the ground to kiss the sandals of the humble saint, and King Charles II of Naples and his son led by the bridle the ass that bore the new pope down the mountain to receive his consecration in the presence of two hundred thousand reverent witnesses.

## CHAP. VIII

A. D.  
987-1313

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But it required only a few months to prove that the unsophisticated saintliness of a holy recluse had no place in the papal office. Granting the petitions of all comers with a naïve application of the precept, "Give to him that asketh of thee," Celestine V recklessly dispensed important privileges under his official seal; and the cardinals, experienced in worldly ways and the exigencies of statecraft, saw the temporal interests of the Church and the dignity of the papal crown daily sacrificed on the altar of unenlightened goodness.

Determined to end this solemn comedy, Cardinal Gaetani is said to have caused a voice to announce in the night to the Holy Father the necessity of his abdication; and, believing it a revelation from heaven, the good man gladly renounced the papal office. A party of the faithful adhered to him, however, against his will; for it was held to be impossible for a pope to abandon the post to which God had called him. Seeking refuge by sea, the unhappy man was brought back to Italy by a storm, and at last fell into the hands of Cardinal Gaetani, who on December 24, 1294, had succeeded him as Boniface VIII. With resignation he accepted the peaceful imprisonment which was imposed upon him, and soon removed the anxiety of his successor by his death.

The policy  
of Boni-  
face VIII

From the depths to which they had fallen, the temporal claims of the Papacy, animated by the imperial spirit of Boniface VIII, were now to rise to their climax. This princely prelate, learned in both the civil and the canonical jurisprudence of his time and accomplished in diplomacy, entered upon his pontificate with the determination not only to restore the Papacy to the pre-eminence it had once attained, but to advance it beyond the dreams of all his predecessors.

Not fearing to imprison the aged and feeble Celestine V, he did not hesitate to unseat powerful cardinals and to place his own relatives in the highest civil and ecclesiastical offices. With the sword in one hand and the torch of ex-

communication in the other, he made war on all who opposed him, and gave to the Papacy a character which alarmed the monarchs of Europe. In the person of Boniface VIII, all the assumptions of ancient imperialism seemed to be united with the spiritual powers of the Holy See.

CHAP. VIII  
A. D.  
987-1313

In the year 1300, Boniface, with great pomp and splendor, celebrated the first Jubilee of the Church. All pilgrims to Rome were accorded full absolution, and only the enemies of the Pope were denied admission. Multitudes thronged the city and continuous festivals and spectacles filled the year.

The occasion revealed in a singular manner the progress which the Italians had already made as leaders in diplomacy, not only in their own affairs, but in representing the sovereigns of Europe. Among the ambassadors sent to honor Boniface VIII at the great festival, although pilgrims of all nations were present, twelve were Florentines; and so impressed was the Pope with this circumstance — “because they served in the quality of public negotiators not only their own country but the kings of France, England, Bohemia, Naples, and Sicily, besides Russia and the Khan of the Tartars” — that he called them “the fifth element.”<sup>1</sup> Such had become the general fame of the Florentines, to whom, “in respect of zeal and acumen, equals in negotiation could hardly be found.”

The persecution of the Colonna and the total destruction of Palaestrina showed that the vengeance of Boniface VIII was not merely theatrical, and the most powerful sovereigns felt the need of a good understanding with him; for, while the faithful everywhere realized that he was investing the Papacy with worldly qualities wholly foreign to its end and office, no one could doubt the power wielded by him.

The arrogance and reverses of Boniface VIII

“*Ego, ego sum Imperator,*” was the proud exclamation with which — wearing the crown and holding the sword in his

<sup>1</sup> Reumont, *Della diplomazia italiana dal secolo XIII al XVI*, Florence, 1861, p. 11.

CHAP. VIII

A. D.  
987-1313

hand — he had received the envoys of Germany, in 1298, when he declined to recognize the imperial claims of Albert, son of Rudolf of Hapsburg.

But the arrogance of Boniface VIII was his greatest enemy. The bright heavens that smiled upon him when, at the great Jubilee, pilgrims and ambassadors witnessed the unexampled exaltation of the Papacy, were soon to be filled with storm and darkness. The quarrels of the "Whites" and the "Blacks" at Florence — which Charles of Valois, brother of Philip IV, vainly endeavored to compose — practically destroyed the power of the Guelf party in Tuscany.<sup>1</sup> The efforts of the Pope to bring the kingdoms of Sicily and Naples under the papal control were equally unsuccessful, for a national spirit opposed his plans to make them tributary to the Holy See. But it was in his conflicts with Edward I of England and Philip IV of France, that the impotence of Boniface to enforce his will found its conclusive demonstration.

The Bull  
"Clericis  
Laicos"

In 1296, the Pope had denied all royal jurisdiction over the clergy, and in particular the right to levy taxes of any kind upon them. In the Bull "Clericis Laicos"<sup>2</sup> of that year, he had forbidden all temporal rulers to impose, and all ecclesiastics to pay, under pain of excommunication, taxes or contributions other than those sanctioned by the Apostolic See. It was, in effect, a denial of sovereignty in its most vital prerogative, — the most deadly blow that could be directed by the Papacy against the fundamental rights of the monarchies.

King Edward I of England responded by outlawing the clergy who refused to pay taxes to the crown. Philip IV of France replied to the papal decree by prohibiting the exportation of money from his realm, thereby ending the French contributions to Rome.

<sup>1</sup> On the mission of Charles of Valois to Florence, see Villari, *The Two First Centuries of Florentine History*, London, 1901, pp. 508, 520.

<sup>2</sup> See Rymer, *Foedera*, I, Part I, p. 836; and Henderson, *Select Documents*, pp. 432, 434.



Thus were brought into open conflict the inherent elements of Romanism and Teutonism, — of imperialism and territorial sovereignty, — which had blindly struggled with each other throughout the Middle Ages. The Papacy had absorbed the universality of the Empire, but the kings had acquired the temporal power of the emperors. Which was to be supreme? In this battle between universal authority and territorial sovereignty, Christendom was passing through the birth pangs of the modern world.

CHAP. VIII

A. D.  
987-1313

Of all the peoples of Europe, none was more loyal to the Papacy than the French. Philip IV was, no doubt, a despot without conscience or morality; but, in standing for local civil rights, he represented a principle upon which all modern civilization is based, and his people, including most of the clergy, bravely stood with him. In opposing the rising tide of national sentiment, Boniface VIII embraced the most fatal political error, and made the most ruinous miscalculation, that have ever befallen the Papacy.

France and  
the Papacy

The quarrel over the question of taxation deepened, in 1301, into a general contest over the respective rights of the Holy See and the French crown. The papal legate was made a prisoner of state, and suit was brought against him. A parliament sustained the course of the King; and Boniface replied, on December 5, with the Bull "Ausculta Fili,"<sup>1</sup> in which he rebuked Philip IV as a rebel against the Divine Majesty, and invited the French prelates to a council at Rome, where in 1302 the King of France was to be judged. The French jurists held that Boniface was endeavoring to reduce France to a vassal state; and the Bull, torn from the hands of the legate who bore it, on February 11, 1302, was publicly burned in Notre-Dame at Paris, — the first example in history of such a demonstration.

A royal edict then forbade the departure of any ecclesiastic to Rome; a parliament, called on April 10, sustained

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<sup>1</sup> See Leibnitz, and Rousset, Supplement to Dumont, *Corps Universel Diplomatique*.

CHAP. VIII the action of the King ; the clergy refused obedience to the  
 A. D. Pope ; and all France was in revolt.  
 987-1313

The Bull  
 " Unam  
 Sanctam "

Before a council held in the Lateran, in the following November, the Pope read the famous Bull " Unam Sanctam,"<sup>1</sup> in which he pronounced his ultimatum. The Church is " the seamless garment of the Lord." " Of this one and only Church, there is one body and one head, — the successor of St. Peter, — not two heads, as if it were a monster." There are, indeed, " two swords, a spiritual and a temporal," the one to be wielded by the Church, the other for it ; but " the temporal authority should be subjected to the spiritual." " The spiritual power has to establish the earthly power ; and to judge it, if it be not good." Finally, " We declare, announce, and define, that it is altogether *necessary to salvation for every human creature to be subject to the Roman Pontiff.*"

Thus not only the refractory King of France, but the whole French nation, was placed beyond the pale of salvation, if it did not yield to the will of Boniface VIII.

The Pope had gone too far. At a general parliament, assembled on June 13, 1303, the doctrine of papal absolutism and irresponsibility was publicly denounced in France. The most Catholic nation of Europe had repudiated the pretensions of the Pope.

The Pope  
 and the  
 Empire

Perceiving the gulf that was opening before him, Boniface VIII turned to find the means, if not of enforcing his decree, at least of protecting himself from its consequences. In Italy, he found no real support. The Guelf party had been rent by faction, and no portion of it saw in the cosmopolitan theories of Boniface a rallying ground for Italian unity. The national policies of Alexander III and Innocent III had long been obscured by the strifes of Guelfs and Ghibellines. From England no hope could be expected, for it was against Edward I as well as Philip IV that the fulminations of Boniface had been directed. When, in 1301, the Pope claimed Scotland as a fief and forbade further invasions by the English,

<sup>1</sup> See Henderson, *Select Documents*, p. 435.

Edward I had appealed to parliament, which had denied the authority of the Pope to define the temporal rights of the King. Neither kings nor people were now to be frightened by anathemas. In striking whole nations with its malediction, excommunication had lost its power.

Finding himself without other support, Boniface now turned for help toward the King of Germany, whom he had repudiated as unworthy of the imperial crown. Albert I, recognized as emperor by the Pope in April, 1303, in the following July dissolved his alliance with Philip IV and humbled himself to the earth before the hand that held the diadem. Renouncing the right to send an imperial vicar into Italy without the express sanction of the Pope, he accepted the Papacy as the real source of the imperial authority and promised absolute obedience to Rome; but the apparently triumphant pope and the abject emperor were both cherishing empty illusions of a power that had disappeared.

Boniface VIII was soon to reap that which he had sown. The hatred of the Colonna, who had taken refuge at the French court, and of other Italian families piqued by the nepotism of the Pope, furnished a ready means for enacting a drama wholly unprecedented in the tragic pages of papal history. Furnished with an abundance of gold, the French jurist, William Nogaret, accompanied by Sciarra Colonna, secretly journeyed to Italy; where, in a castle near Siena, a web of conspiracy was woven about the Pope. Deeming himself secure in his native city of Anagni, Boniface VIII was preparing to promulgate the excommunication and deposition of Philip IV on September 8. In the previous night a hundred armed men, headed by Nogaret and Sciarra Colonna, burst into the town, stormed the palace, and made the Pope a prisoner. The conspirators found him arrayed in his papal vestments, seated upon a throne, with the tiara on his head and a crucifix in his hand, resolved to meet death in the stately pride of his pontifical authority. His captors are said to have torn him bodily from his throne, but, sparing his life, they bore him away to a neighboring castle.

CHAP. VIII

A. D.  
987-1313The outrage  
at Anagni

## CHAP. VIII

A. D.  
987-1313

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The fact that for three days no attempt was made to liberate the prisoner, notwithstanding the wealth and power of his family, indicates the slight regard in which he was held by the Italian people. Stubbornly refusing to yield to the demands of his captors, either as regards his attitude toward the King of France or the reinstatement of the Colonna, he was rescued in the night of September 10 by a small number of friends, and conducted to Rome. There, in reality a prisoner of the Orsini, — who were in possession of a great part of the city, — driven almost to madness by wounded pride, the desire for vengeance, and the sense of his utter helplessness, on October 11, 1303, in the palace of the Vatican, death ended the career of the humbled pontiff.

No pope has ever had more numerous or more bitter enemies, and his memory has, no doubt, suffered at their hands; but dispassionate judgment, touched by commiseration, cannot fail to see in this powerful personality the incarnation of exaggerated misconceptions, as dangerous for the cause he represented as they were fatal to himself.

The papal  
surrender

The death of Boniface VIII revealed the depth of impotence to which the Papacy was now reduced. The Cardinal-Bishop of Ostia, a man of only mediocre powers, but of virtuous life and worthy motives, was consecrated as his successor under the name of Benedict XI. Left without substantial support, — for the Emperor was occupied with his own affairs, — the new pope found himself wholly at the mercy of the national kings. Endeavoring to vindicate the dignity of the Papacy by punishing the conspirators of Anagni, he soon discovered the inutility of further disclosing the opposition to Boniface VIII, and abandoned the attempt. By a bull of May 13, 1304, he cancelled the acts of his predecessor and restored France to the blessing of the Church. "Feared by no one, but fearing all," the unhappy pontiff, leaving Rome to the bitter contentions of the Orsini, the Colonna, and the Gaetani, sought refuge in Orvieto and afterward in Perugia, where, on July 7, 1304, death ended his short pontificate.



Two parties, according to Villani<sup>1</sup> — the Italian and the French — now for nearly a year divided the councils of the College of Cardinals, which, in 1304, met at Perugia to elect a pope. At last, in a spirit of compromise, it was agreed that the Italians should name three candidates chosen from the region north of the Alps, and the French should then select from among them one who would receive the papal election. Thus, it was hoped, the national fears might be allayed and the Church again reunited.

The three candidates named by the Italian party were all Frenchmen, but they were also all known as adherents of the policy of Boniface VIII. For a moment, it seemed as if Italian craft had won a victory; but, uniting on Bertrand de Got, Archbishop of Bordeaux, the French cardinals secretly informed the King of their disposition to elect him, and requested his approbation. Philip IV hastened to find the candidate, and laid before him the conditions on which he would favor his election. An arrangement was concluded; the French party was authorized to proceed; and, on June 5, 1305, the Archbishop was elected pope.<sup>2</sup> The complete triumph of the French did not appear, however,

CHAP. VIII

A. D.  
987-1313The confiscation of the  
Papacy by  
France

<sup>1</sup> See Villani, *Cronica fiorentina*, lib. VIII, cap. 81.

<sup>2</sup> The character of the understanding between Clement V and Philip IV has, no doubt, been much exaggerated by certain writers; as, for example, Baluze, *Vie des papes qui ont siégé à Avignon*, Paris, 1693. Capefigue, *L'Église au Moyen Âge*, Paris, 1852, although an intensely Catholic writer, gives the whole interview between the King and Bertrand de Got, naming six conditions of the King's support, which, he thinks, did not leave the Pope the independence necessary for the well-being of Christendom. For a cautious account, see Gregorovius, *Geschichte der Stadt Rom*, V, note 2, pp. 593, 594. Lanziani, *Storia dei comuni italiani*, Milan, 1882, pp. 778, 779, discredits Villani's story of the election of Clement V, and cites a different account preserved in Labbe, *Sacra Concilia*, XI, p. 1496. The form of the election does not, however, affect the statement that Philip IV and Clement V had a mutual understanding, which the future course of this pontiff tends to confirm. That no documentary proof of this understanding exists, does not justify the rejection of Villani's story; for such an arrangement would not be of a documentary nature.

## CHAP. VIII

A. D.  
987-1313

until the new pope was crowned and consecrated as Clement V, at Lyons, in the presence of Philip of France and a concourse of French nobles. Declining to proceed to Rome, he took up his permanent abode near the French king. Philip IV had not only captured the person of a pope, he had confiscated the Papacy.

The Papacy  
at Avignon

In a little enclave encircled by French territory, the Papacy was to pass the period of seventy years which is known in history as the "Babylonian Captivity." Singular as it may seem, it did not for a time lose its spiritual supremacy over Europe, although its political influence was chiefly enjoyed by France.

The Venaissin, whose capital was Carpentras, was a possession of the Holy See, ceded to it by Raymond, Count of Toulouse, in 1229. Here the Papacy would have been upon its own soil, and here Clement V, fearing hostility at Rome, and wishing to be near the King of France, might naturally have established the papal court. He chose, however, to fix his residence very near, but just outside, his own domains, at Avignon,—a fief of the counts of Provence, who were also kings of Naples and vassals of the Pope. The reason of this choice is alleged to be the accessibility of Avignon, situated on the Rhone, which separated it from France. A better reason may, perhaps, be found in the double protection thus afforded to the Pope.<sup>1</sup> Always prudent in not subjecting itself to a single guardian, the Papacy doubtless saw an advantage in having its seat near to one king and within the legal jurisdiction of another.

The absence of the Pope from Rome, although it finally ended in discontent, at first excited no surprise, having long been customary. A careful calculation shows that, in the

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<sup>1</sup> On the papal acquisition of the Venaissin, see note on page 392. Avignon was sold in 1348 to Clement VI by Joanna II, Queen of Naples and Countess of Provence. Both the Venaissin and Avignon were united to France in 1791 by the Legislative Assembly, and form the present Département de Vaucluse.

two hundred and four years from 1100 to 1305, the popes had lived only eighty-two years in Rome, and one hundred and twenty-two out of the city, — a difference of forty years in favor of their absence.<sup>1</sup>

But the residence of the popes at Avignon was a heavier blow to Rome than any previous absence had been. The city not only lost the prestige of being the papal capital, but suffered the less consolable misfortune of missing the papal revenues. In addition to these deprivations, all seven of the successors of St. Peter who lived at Avignon were Frenchmen.<sup>2</sup> Under the pressure of French influence, Italy was not only deprived of the inflow of "Peter's pence," but the French monarchs were able to enjoy rich loans from the papal treasury.<sup>3</sup> Nor was it of great satisfaction to any one, excepting the King of France, that Clement V conferred a similar favor upon Edward II of England; for, with keen business insight, the Pope took for his security the revenues of Aquitaine.<sup>4</sup>

It is not difficult to see in these transactions the approaching shadow of the Great Schism of the West. But the preponderance of power which the possession of the Papacy

CHAP. VIII

A. D.

987-1313

<sup>1</sup> See Gayet, *Le grand schisme d'Occident d'après les documents contemporains déposés aux archives secrètes du Vatican*, Florence and Berlin, 1889, I, pp. 2, 3.

<sup>2</sup> See Gayet, who says: "Tous les pontiffs d'Avignon, à l'exception du bienheureux Urban V, étaient politiquement d'origine anglaise: l'Aquitaine, le Quercy, le Limousin relevaient alors de la couronne d'Angleterre." — *Le grand schisme*, I, p. 4. To this it should be added, that these pontiffs were politically subject to the King of England, not in any sense as Englishmen, but only as their feudal lord was himself a vassal of the King of France. They were, therefore, Frenchmen, with subsidiary relations to the King of England.

<sup>3</sup> See Prou, *Étude sur les relations politiques du Pape Urban V*, Paris, 1888, pp. 1, 2, who refers to Faucon, *Prêts faits au roi de France par Clement VI, Innocent VI et le comte de Beaufort*, in the Bibliothèque de l'École des Chartes, XL, p. 570.

<sup>4</sup> See Gayet, *Le grand schisme*, I, p. 4; and *Analecta Juris Pontificii*, XXII, p. 456. Gayet regards the loans of Clement V to Edward II as private loans and marks of special friendship.

## CHAP. VIII

A. D.  
987-1313

The reorgan-  
ization of the  
monarchies

gave to France was, in the meantime, diligently employed. In 1362, of the twenty-one cardinals, eighteen were French; and John II did not hesitate, in that same year, to ask Urban V to create four more, and to bestow upon the Crown a tenth of the Church revenues of France.<sup>1</sup>

The conflict with the Papacy under Boniface VIII had resulted in a triumph for civil life and royal prerogatives which could not fail to affect the future of the monarchies. The battle had been won by the support of the people, and the attitude of the kings was sustained by the parliaments. Both in England and in France the citizens and the lawyers had played a part in winning the royal victories. In England the "Commons" had asserted their place beside the "Lords"; and in France Philip IV had recognized the "Third Estate" in the "States-general" summoned to consider the rights of the kingdom. Citizens qualified by education to take part in public life were thus beginning to find a career in the public assemblies as well as in the royal courts; and learned lawyers and judges were exercising an influence often superior to that of the nobility or clergy. A new aristocracy — the *noblesse de robe* — was thus contesting honors with the ecclesiastics and feudal magnates. The *studium* was gradually superseding the *sacerdotium* in general influence and furnishing a new basis for society.

It was from the new element of secular officials that the royal administration was chiefly equipped. The tribunals had been at first composed only of nobles and ecclesiastics, but laymen of the citizen class were now taking their places in every branch of the royal service, except the highest executive offices. As appellate judges, the lawyers were overruling the barons and laying down the law to the highest nobles. So humiliating to these did the innovation at last become, that Philip IV was implored to abandon the practice.

But both feudalism and ecclesiasticism were condemned to

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<sup>1</sup> Prou, *Étude*, pp. 9, 10.



yield to the growing power of the King; and, one after another, the feudal prerogatives had to be abandoned. The payment of taxes was enforced on laity and clergy alike, and it was found expedient to pay them in the coin of the realm. By making his coins lighter in weight than those of his vassals, Philip IV forced the feudal money out of issue; for the ducal coins were worth more as bullion at the royal mint than they were in circulation.

CHAP. VIII

A. D.

987-1313

By 1308 the power of Philip IV had reached a point of development where, if the ambition to obtain the imperial crown attributed to him could have been realized, he might have given to the Empire a force which for centuries it had not possessed. Practically confined to Germany since the fall of the Hohenstaufen, imperial authority had faded to a mere shadow of its former greatness. Rudolf of Hapsburg had shown more vigor than had been expected, and had enriched his house with the possession of the Duchy of Austria, destined to become the basis of a great hereditary dynasty; but, thus far, the "King of the Romans" was not only without influence in Italy, he was far from exercising the power of a king in Germany. Albert I, son of Rudolf, had, in 1298, caused the deposition of Adolf of Nassau, and thus obtained the throne which his father had vainly hoped to secure for him; but, intent on rendering the crown hereditary in his own family, he had permitted Philip IV to attach the interests of Franche-Comté to France.

Germany  
and the  
Empire

When, in 1308, Albert I was murdered by his nephew, the electors, — who had become solicitous for the continuance of their feudal powers, — adhering to the principle of free election, decided to choose as emperor a still more obscure prince. Philip IV, and even his unprincipled brother, Charles of Valois, were deemed too powerful to be clothed with the imperial authority. Not only the German magnates, but also the Pope, were secretly opposed to the idea of a French emperor; for so great a potentate would completely subordinate the Papacy as well as the feudal barons, and destroy its last vestige of independence.

## CHAP. VIII

A. D.  
987-1313

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Philip IV had hoped by the papal intervention to secure the imperial crown, if not for himself, at least for his brother; but Clement V, governed by the instincts of his office, while not openly opposing Philip's wishes, secretly favored the choice of a German prince. The papal preference and the interests of the German nobles being thus united, in November, 1308, a noble of modest pretensions, Henry of Luxemburg, — born near the French border and educated in France, — was chosen "King of the Romans" at Frankfort, and in the following January crowned king at Aachen.

Not possessing great prestige in Germany, and feeling the need of every possible support, Henry VII was particularly anxious to obtain the papal recognition. In this there was no difficulty, for the Pope was pleased with the result of the election, — which had been promoted by Henry's brother, the Archbishop of Trier; — but the occasion presented a fresh opportunity to magnify the papal prerogatives, which certainly stood in need of reassertion. Accordingly, Clement V promised Henry the privilege of coronation at Rome, but emphasized his own supremacy by postponing the ceremony for two years. The Emperor-elect accepted the period of probation, and humbly awaited the pleasure of the Pope.

The free  
cities of the  
Empire

The essential weakness of the Empire, at this time, is apparent from many points of view. Not only had the feudal magnates acquired virtual independence in Germany, but even the cities — which in France had been made serviceable to the royal authority — had in Germany become practically autonomous.

In the twelfth century, the German towns, inspired by the example of the Italian communes, had made similar efforts for civil freedom, but without uniting in their common interest; and they had succeeded in obtaining from Frederick Barbarossa only the most elementary rights.

In the thirteenth century, however, the long absence of Frederick II from Germany, the relaxation of imperial control during the Great Interregnum, and the weakness of the later emperors had enabled the cities to make great progress,

and by purchase or force to emancipate themselves from the feudal lords without entering into a new servitude to the Emperor. A great number of German towns had, therefore, before the close of that century, acquired substantial political independence, which they defended by means of leagues established for their mutual protection.

Having attained this height of power without imperial aid, the "free cities" were not disposed to serve the Emperor except upon terms distinctly advantageous to themselves. In every new emergency, he was, therefore, obliged to negotiate with them for their support and to reward their adherence with new liberties. Finding a greater benefit in the increase of their trade than in the uncertainties of war, the "free cities" became a means of restraint upon imperial adventure and a conservative force in the administration of the Empire. Almost sovereign in their prerogatives, the powerful associations that bound them together gave them immense influence in the direction of events. The Empire, therefore, presented at the beginning of the fourteenth century the strange spectacle of a federative republic of municipal corporations and a feudal order composed of lay and ecclesiastical princes existing side by side, and presided over by an elective head practically powerless without the co-operation of these unlike elements. In contrast with the vigor of the national monarchies, in which all power was concentrated in the hands of the King, the Empire had become the image of political impotence.

Not only the cities, but even rural communities within the Empire, had proved their power to throw off the yoke of feudal vassalage. Bordering upon the Lake of Lucerne, — or "Lake of the Four Cantons," — were the three "Forest Cantons," — Uri, Schwyz, and Unterwalden, — comprised in the imperial Duchy of Suabia. The population of these cantons had been subject to various local jurisdictions, but the extinction of the Suabian dukes left them a prey to the encroachments of their neighbors, and they fell under the nominal rule of the counts of Hapsburg.

CHAP. VIII

A. D.  
987-1313Origin of the  
Swiss Con-  
federation

## CHAP. VIII

A. D.  
987-1313

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Dismissing the myths and legends which later times have woven about the cradle of Swiss liberty, we know from authoritative documents that the Swiss Confederation owed its rise to the dissensions of the emperors and the Hapsburg family, as well as to the native spirit of independence cherished by these sturdy mountaineers.

In the controversy between Frederick II and the Pope, the three Forest Cantons united in a league to support the Emperor, and were rewarded by him with charters exempting them from feudal dependence and uniting them directly with the Empire. When Rudolf of Hapsburg became emperor, the cantons were again subject to the Hapsburg power, but were generously treated by him. Upon his death, in August, 1291, they formed a new confederation and bound themselves by a solemn oath to aid and defend one another against every enemy who might molest them, either singly or collectively.<sup>1</sup>

But the new confederation was more than a league, it was the first sketch of a federal constitution. It is true that the compact created no organs of government, yet it contained the elements of legislation; for it decreed the death penalty against murderers, ordained a law of restitution in case of robbery, and applied the principle of enforced arbitration of private differences. It was not only the establishment of a new political community founded upon natural justice, it was the enunciation of a new political conception whose authority was based upon the will of the people.

The League of 1291 was not, however, a declaration of independence, for it expressly enjoined, "Whoever hath a lord let him obey him according to his bounden duty." It was, rather, a bill of rights, with a pledge to unite the forces of the people in the effort to maintain them.

Without the rivalries of the houses of Luxemburg and Bavaria with that of Hapsburg, the Confederation might, per-

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<sup>1</sup> See the Latin text in *Ämtliche Sammlung der älteren eidgenössischen Abschiede, Beilagen* 1, pp. 115, 116; and Kopp, *Urkunden*, pp. 32, 34.



haps, have failed to maintain its existence; but one of the first public acts of Henry VII was the confirmation of the dependence of the League upon the Empire alone, and its exemption from feudal jurisdiction. In the subsequent struggles between the emperors and the House of Hapsburg, the members of the Swiss Confederation were, therefore, always against the supremacy of their ancient masters.

When Duke Leopold of Austria endeavored to punish the confederates for their opposition, the Swiss proved their invincibility in the battle of Morgarten, fought on November 15, 1315, in which thirteen hundred Swiss are said to have defeated twenty thousand Austrians. The victory was celebrated by a renewal of the former compact;<sup>1</sup> and, in 1318, a treaty was signed by the Hapsburgs in which they abandoned all jurisdiction within the Forest Cantons.<sup>2</sup> The accession of Lucerne in 1332, Zürich in 1351, Glarus in 1352, and Berne in 1353, enabled the League to resist the Austrian aggressions of later years, and thus to become a permanent political community.<sup>3</sup>

Although less than a king in Germany, Henry VII was ambitious to restore the imperial office and to assert its authority throughout the Empire. Dissatisfaction with the rule of Henry of Carinthia in Bohemia gave the Emperor-elect the opportunity of placing his son, John of Luxemburg, upon the throne of that kingdom; and, on February 7, 1311, the new king was crowned at Prague.

CHAP. VIII  
A. D.  
987-1313

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The aspiration of Henry VII

The expedition into Italy to receive the imperial crown at Rome seemed to furnish the occasion for reasserting there the ancient rights of the Empire, and the condition of the Italian states promised a favorable reception. Most of the cities had fallen into the hands of the "*Signorie*," — governing bodies usually dominated by some powerful family or

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<sup>1</sup> See *Amtliche Sammlung, Beilage 2*. This and the following compacts are in German.

<sup>2</sup> The same, *Beilage 3*.

<sup>3</sup> The acts of accession are found in the same collection, *Beilagen* 13, 17, and 20.

## CHAP. VIII

A. D.  
987-1313

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individual. The hostile and unstable relations between the cities, the dissensions of the Guelf and Ghibelline parties, the evasive but attractive conception of Italian unity, and the memories of Rome's departed grandeur all combined to commend the experiment of an imperial restoration.

Dante's "De  
Monarchia"

The Ghibelline aspiration finds its studied manifesto in Dante Alighieri's tractate "De Monarchia," the first formal essay in political theory since the time of Cicero. It is not the work of a practical statesman, but the ideal of a philosophical visionary. Its chief postulates had long before been refuted by the logic of experience, and the conditions it imagined to exist had long since passed away. The history of Europe had clearly proved that the idea of a world-monarchy was impracticable, and the great powers of the time were all built upon the opposing conception of national monarchies. But the poet does not live in time and space. His realm is the possible, not the actual. Dante treats the State as the abstract form of human civilization, as a hierarchy of ideas. Because law and justice are necessary to human well-being, the Empire has an intrinsic right over all humanity. The monarchical authority inheres in the Roman people, its historical representative. But this right is not a mere privilege, it is essentially a duty, since God has imposed it. The Empire is, from its very nature, theocratic; not a creation of the Pope, who is charged only with the curacy of souls, but the direct expression of the divine will, its only source and warrant. The Empire, therefore, cannot die; for it is God's organ of human government. If men resist it, they are battling with the foundation principles of the universe.

Such was the great thought of Dante, resting upon deep and irrefutable ideas imperfectly analyzed. It was the spirit of the Middle Ages clothed in words and enunciated in formulas, but mystically apprehended. Law, justice, order, authority,—certainly these are universal human conceptions; but, in attaching them exclusively to the forms and memories of the Roman Empire, they were separated

from humanity as a whole, in which they are equally inherent, and abstracted from those local conditions in which alone they can find their fulfilment. In distinctly formulating the pretensions of the Empire, Dante was unconsciously writing its epitaph.

Henry VII did all in his power to realize the poet's dream of imperial dominion. Just, generous, and high-minded in his personal sentiments, the Emperor-elect was an ideal embodiment of Dante's conception of the imperial office. On October 11, 1310, he took, at Lausanne, the oath required by the Pope; by which he pledged himself to make no encroachments upon the papal rights, to introduce no changes at Rome, and to remain there but a brief period.

Accompanied by a mere escort of soldiers, in response to the earnest invitations of the Ghibelline party, on November 1 he arrived in Italy. Apparently favored by the Pope, filled with a lofty appreciation of his office as a peacemaker, and enthusiastically greeted by embassies sent to meet him on the way, it seemed for a time as if a united people was about to rally to his standard and fulfil the poet's vision of peace and harmony.

But the tide of opposition that was rising beneath the calm surface of his progress soon became evident. Clement V had crowned Robert of Calabria, King of Naples, at Avignon; and, to prevent Henry VII from seizing it, appointed him Vicar of Romagna. Florence saw in the restoration of the Empire the revival of Arezzo, Pistoia, Pisa, and other rival cities, eager to share its commercial prosperity. Money, envoys, and messages were sent to Brescia, Cremona, Lodi, Pavia, and other Lombard cities, to induce them to join in opposition to the new emperor.

On January 6, 1311, Henry received the iron crown at Milan; but civil war burst forth in his very presence. Forced to act with the Ghibelline party against the Guelfs, he soon renounced his pacific overtures and was suddenly transformed against his will into a foreign conqueror. Dante, stirred to indignation by the attitude of Florence,

CHAP. VIII

A. D.  
987-1313The expedition of  
Henry VII  
into Italy

## CHAP. VIII

A. D.  
987-1313

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wrote to his fellow-citizens: "Most foolish and insensate men, ye shall succumb perforce to the imperial eagle."

It was the departing spirit of the Middle Ages uttering its curse and lamentation over the final downfall of its cherished ideals. The aspiration for a state founded on law and justice had been the inspiration of the best mediaeval thought, as it was of Dante's passion for the Empire; but the poet failed to see that such a state could not, from its very nature, be universal. While he was looking for it to descend as a benediction from abstract doctrines, it was actually rising out of the needs and convictions of particular communities. The humble peasants of the Forest Cantons had seen with open eyes the vision that flitted indistinctly before the mind of the Florentine poet. All of Dante's ideals were yet to be realized, but not in the renovated rule of imperial Rome. They were to assume form and substance in the birth of self-directed communities, to which the Empire was opposing its dying energies. To unify and fortify these aspirations, nations had yet to win the liberties upon which alone law and justice could secure a sure foundation.

Henry VII  
at Rome

On May 7, 1312, Henry VII entered the Eternal City, to find it occupied by King Robert of Naples. Fearing that the ancient Hohenstaufen claims to his kingdom would be renewed, Robert had formed an alliance with Florence and the other Guelf cities to oppose the restoration of the Empire in Italy, and had availed himself of the rivalry of the Colonna and the Orsini to take possession of Rome.

The city was divided into two fortified camps and filled with the ruins caused by their long continued conflicts. The Guelfs, led by the Orsini and supported by Robert of Naples, held the Vatican and the Leonine quarter, together with the Castle of St. Angelo. The Ghibellines, led by the Colonna, held the Lateran and its approaches from the Porta del Popolo. Other portions of the city were barricaded and held by the Conti, the Anibaldi, and the Frangipani. It was a truthful image of the dismembered Empire, whose capital was thus apportioned among the Roman factions.



Excluded from St. Peter's Church, the Emperor-elect decided to accept his coronation in the Lateran rather than incur the risk of being driven from the city altogether. But even this decision was not fulfilled without a desperate battle, in which the streets of Rome ran red with blood.

Not only the occupation of the Leonine quarter by the Neapolitans, but the punctiliousness of the cardinals and papal legates, obstructed the coronation. The legates represented that their authorization to confer the crown specifically named the Church of St. Peter as the place of the ceremony, and professed to be doubtful of their authority to confer it in the Lateran. In order to overcome the obstinacy of the ecclesiastics, appeal was made to the Senate and people of Rome. A decree was obtained, not only ordaining the coronation in the Lateran, but empowering representatives to constrain the papal officers to favorable action.

But the cardinals still remained firm, and refused to confer the crown, except in St. Peter's Church; and two weeks were wasted in communications with the Pope at Avignon, but without result. Finally, on June 22, a mob threatened the papal legates with death if they did not immediately confer the crown. Intimidated by the threat of violence, but under solemn protest, the papal legate, Cardinal Nicolas, on June 29, 1312, conducted the ceremony of coronation in the Lateran, thus divesting it entirely of the papal approbation.

The emptiness and frigidity of the occasion fell like a pall upon the humbled and wounded spirit of Henry VII. It was the first time since the coronation of Charles the Great when the Pope had not himself been present at the ceremony of consecration. On this occasion he was not only absent in person, but his consent to the act of installation was withheld, and his representatives were acting under protest. But it was not only the absence of the Pope that marked the humiliation of the scene. No imperial princes, no municipal ambassadors, no Italian vassals, honored the ceremony with their presence.

CHAP. VIII

A. D.  
987-1313Henry's  
coronation

## CHAP. VIII

A. D.  
987-1313

But a still more painful experience of disenchantment was in reserve. As the Emperor sat at the banquet which followed the coronation in his palace on the Aventine, the feast was disturbed by the attacks of the enemy.

A few days later, the letters of Clement V regarding the terms of Henry's coronation were received. The Pope demanded in exchange for his blessing that the Emperor make no attack on the King of Naples, that he sign a year's truce with him, that he depart from Rome on the very day of his coronation, that all rights over the city be renounced, and that he should never re-enter it without the express permission of the Pope.

The last  
struggles of  
Henry VII

The mask had at last fallen from the face of Clement V, and the inherent hostility of the two claimants for universal dominion stood once more revealed. Even from the depth of its debasement, the Papacy was able to administer to the Empire a powerful blow.

The harmony of the imperial and the papal offices, which was assumed in Dante's theory, was now effectively ruptured. On August 6, 1312, the Emperor, after consulting with his jurists and advisers, protested against the assumptions of the Pope, denied his right to impose the conditions contained in his demands, and proclaimed the independence of the imperial authority. It was a declaration of war for which the Emperor was ill prepared and powerless to enforce.

Returning to Rome and taking up his residence in the Lateran palace, the Emperor assembled the magnates of the city, announced his intention of accepting an armistice with Robert of Naples and the Roman factions, and marched against Florence, which Dante had pointed out as "the viper that stings its mother's breast."

While Henry VII was engaged in his futile siege of Florence, Rome, recalling the glory of the past, felt a thrill of pride in once more possessing an emperor. The people rose in their might, stormed the palaces of the Colonna and the Orsini alike, took the leaders of the factions prisoners,

elected a captain of the people, and invited the Emperor to come to Rome and make it his permanent residence.

CHAP. VIII

A. D.

987-1313

Henry VII was too busy to make reply. His attack on Florence had proved ineffectual and he was planning a new campaign against Naples. The Ghibelline cities — chief among them Pisa and Genoa — furnished him with men, money, and ships, and Germany sent aid from beyond the Alps. In the midst of these preparations Rome was surprised by the old factional leaders, the imperialists were suddenly overthrown, and the sway of the local tyrants was once more resumed. In the meantime the Pope, supported by the King of France, rendered all possible aid to Robert of Naples, placing the Emperor under the ban of the Church, and threatening with excommunication all who aided him.

But the Ghibelline party still hoped for success. While the military preparations were pushed forward with zeal, envoys were sent to Avignon to negotiate with the Pope. The Emperor, amidst all his misfortunes, still believed in his high mission and the ultimate victory of his cause; but a mortal illness seized him at Buonconvento, and, on August 24, 1313, after taking the sacrament from the hands of a Dominican priest, he suddenly died.

Consternation filled his camp, and the Ghibelline party was plunged in hopeless grief. Suspicion suggested that poison had caused his death, and the infuriated soldiers stormed the monastery and slaughtered the monks. A sorrowing train bore the dead body to Pisa, where pompous obsequies were held. Dante made Paradise mourn for the dead emperor, where he saw the crown destined for his brow awaiting his coming to an empty throne.

It was the last blow to imperial hopes in Italy. The glamour of the imperial dignity was still to create new fears and new illusions, but its really tragic days were ended. The mediaeval ideal was about to be transformed by a new organization of the Empire; but the secret of the future lay

## CHAP. VIII

A. D.  
987-1313

with the national monarchies, in which the interests of awakening peoples were to receive the protection of powerful kings.

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CHAP. VIII  
A. D.  
987-1313

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## CHAP. VIII

A. D.

987-1313

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TABLE I

A LIST OF ROMAN EMPERORS AND BISHOPS OF ROME TO THE FALL  
OF THE EMPIRE IN THE WEST, 27 B. C. TO 476 A. D.

Year of Accession	Emperors <sup>1</sup>	Bishops of Rome <sup>2</sup>	Year of Accession
	The founders of the Roman Empire would properly include Julius Caesar, assassinated in 44 B. C., who was never made emperor, but was the first of the "Twelve Caesars"		
29 B. C.	Augustus		
14 A. D.	Tiberius		
37	Caligula		
41	Claudius I		
		1. St. Peter (according to Jerome)	42 (?)
54	Nero		
68	Galba	2. Linus	67 (?)
69	Otho		
"	Vitellius		
"	Vespasian		
79	Titus	3. Cletus I	76 (?)
81	Domitian		
	Period of the Good Emperors	4. Clement	88 (?)
96	Nerva		
		5. Evaristus	97 (?)
98	Trajan		
		6. Alexander I	105 (?)

<sup>1</sup> This list is based upon the biographies of the emperors in Bouillet, *Dictionnaire universel d'Histoire*, thirty-first edition, Paris, 1884. Names in marks of parenthesis indicate pretenders.

<sup>2</sup> In the list of Bishops of Rome the authority followed is the semi-official manual, *La Gerarchia Cattolica*, for 1904, published at the Vatican. The dates followed by a question mark are subject to discussion. The names inclosed in marks of parenthesis are regarded as designating antipopes.

Year of Accession	Emperors	Bishops of Rome	Year of Accession
117	Hadrian	7. Sixtus I	115 (?)
138	Antoninus Pius	8. Telesphorus 9. Hyginus	125 (?) 136 (?)
161	Marcus Aurelius and Lucius Verus till 169, afterward Marcus Aurelius alone	10. Pius I 11. Anicetus	140 (?) 155 (?)
	Period of Military Anarchy from Commodus to Diocletian	12. Soterus	166 (?)
180	Commodus	13. Eleutherius	175
193	Pertinax	14. Victor I	189
"	(Didius Julianus and Pescennius Niger)		
"	Albinus		
"	Septimius Severus		
211	Caracalla and Geta	15. Zephyrinus	199
217	(Macrinus)	16. Calixtus I (Ippolitus)	217
218	Elagabalus		"
222	Alexander Severus	17. Urban I	222
235	Maximinus	18. Pontianus	230
237	Gordianus I and II	19. Anterus	235
"	Pupienus and Balbinus	20. Fabianus	236
238	Gordianus III		
244	Philip the Arabian		
249	Decius		
251	Gallus, Hostilius, and Volusianus	21. Cornelius (Novatianus)	251
253	Aemilianus	22. Lucius I	"
"	Valerianus		253
260	Gallienus (The Thirty Tyrants <sup>1</sup> )	23. Stephen I	254
		24. Sixtus II	257
		25. Dionysius	259

<sup>1</sup> This expression is applied to the local despots who in this period, A. D. 260-268, sprang up in different parts of the Empire, all claiming supreme authority. Only about seventeen of these persons are now known by name, among them Aureolus, Quietus, Macrienus, Balistus, and the two Posthumii.



TABLE I

Year of Accession	Emperors	Bishops of Rome	Year of Accession
268	Claudius II	26. Felix I	269
270	Aurelian		
"	(Quintillus)	27. Eutychianus	275
275	Tacitus		
276	(Florianus)		
"	Probus	28. Caius	283
282	Carus		
283	Carinus and Numerianus		
284	Diocletian	29. Marcellinus	296
	Reorganization of the Empire under two emperors and two Caesars. From 293 Diocletian and Maximian ruled as emperors, and Constantius and Galerius were named Caesars		
305	Constantius I and Galerius		
306	Flavius Valerius Severus, named by Galerius as successor to Constantius I		
307	Licinius, made associate with Galerius till the latter's death in 311		
"	(Maximianus and Constantine)	30. Marcellus I	308
		31. Eusebius	309
		32. Melchiades	311
		33. Sylvester I	314
323	Constantine I, called the "Great," claimant for the title of Augustus from 306, reigns alone	34. Marcus 35. Julius I	336 337
	In 330 Byzantium was made the capital of the Empire by Constantine I, from whom it received the name Constantinople		
337	Constantine II, Constans and Constantius, sons of Constantine I		
350	Constantius II alone		
"	(Magnentius and Vetranion)		
361	Julian, the Apostate	36. Liberius (Felix II)	352 355
363	Jovian		

Year of Accession	Emperors		Bishops of Rome	Year of Accession	
	Period of dual administration				
	In the West	In the East			
	364 Valentinian and Gratian after 367	Valens			
	375 Gratian and Valentinian II	Theodosius I			
	379 Valentinian II alone				
	383				
	392	Theodosius I sole Emperor			
	Final division of the Empire				
	Western	Eastern			
	395 Honorius	Arcadius			
408	Theodosius II				
423 424 450	(John, the Notary) Valentinian III				
455	Maximus, murderer of Valentinian III, stoned to death by the Romans				
	Marcian, who by his marriage with Pulcheria, sister of Theodosius II, became emperor				
	Period of barbarian domination in the West				

Year of Accession	Emperors		Bishops of Rome	Year of Accession
	Western	Eastern		
455	Avitus, suppressed by Ricimer	Leo I, the Thracian	46. Hilarius	461
457	Majorianus, created and overthrown by Ricimer			
461	Libius Severus, created and poisoned by Ricimer			
467	Anthemius, created and dethroned by Ricimer			
472	Olybrius, created by Ricimer			
473	Glycerius, created by Gundobald and deposed by Nepos	Leo II, the Younger Zeno (Basiliscus)	47. Simplicius	468
474	Julius Nepos			
“				
475	Romulus Augustulus, or Little Augustus, a child made emperor by Orestes			
476	Fall of the Empire in the West and deposition of Romulus Augustulus			

## TABLE II

PRINCIPAL RULERS OF EUROPE FROM THE FALL OF THE EMPIRE  
IN THE WEST TO THE CORONATION OF CHARLES THE GREAT,  
476 TO 800

Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy		
481	Zeno since 474	47. Simplicius since 468	Clovis I, the Great			
483	Anastasius I	48. Felix III (II) <sup>1</sup>				
491		49. Gelasius I 50. Anastasius II 51. Symmachus (Laurentius)				
492						
496						
498						
“				Thierry I in Austrasia, Clodomir in Orleans, Childebert at Paris, and Clothar I at Soissons		
511						
514	Justin I	52. Hormisdas	Theodebert in Austrasia			
518		53. John I 54. Felix IV (III) <sup>1</sup>				
523				Justinian I		
526	55. Boniface II (Dioscorus) 56. John II					
527						
530						
“			Thibaud in Austrasia			
532						
534						
535	57. Agapetus 58. Silverius 59. Vigilius					
536						
538?						
548						
555		60. Pelagius I				

<sup>1</sup> The double enumeration is reprinted from the *Gerarchia Cattolica* for 1904. Felix II is, however, classed as an antipope of 355. Felix III and Felix IV, as given in this list, are, respectively, the third and fourth of that name, but the second and third recognized popes.



Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy	
558	Justin II	61. John III	Clothar I united the entire monarchy		
561			Charibert I at Paris, Gontran in Orleans and Burgundy, Sigebert I in Austrasia, and Chilperic I at Soissons		
565					
572		62. Benedict I	Childebert II in Austrasia, adding Orleans in 593		
573					
575	Tiberius II	63. Pelagius II		Alboin Cleph	
578					
579					
582		64. Gregory I, the Great	Clothar II at Soissons, united the entire monarchy in 613		
584					
590	Maurice, the Cappadocian	64. Gregory I, the Great	Theodebert II in Austrasia, and Thierry II in Orleans and Burgundy, adding Austrasia in 612	Autharis	
591					
596					
602	Phocas, the Usurper	65. Sabinianus 66. Boniface III 67. Boniface IV		Theodebert II in Austrasia, and Thierry II in Orleans and Burgundy, adding Austrasia in 612	
604					
607					
608					
610					
615	Heraclius I	68. Adeodatus I 69. Boniface V 70. Honorius I	Theodebert II in Austrasia, and Thierry II in Orleans and Burgundy, adding Austrasia in 612		Adoald
619					
625					

Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy
626 628	Heraclius II and Constantine III, called Heracleonas Constans II	71. Severinus 72. John IV  73. Theodorus I 74. Martin I  75. Eugenius I  76. Vitalianus	Dagobert I ruled the entire monarchy except Aquitaine. Charibert II in Aquitaine until 631, afterward Dagobert alone	Ariold
636 638			Sigebert II in Austrasia, Clovis II in Neustria and Burgundy; and in 656 united the entire monarchy	Rotharis
640 “ 641				
“ 642 649 652 653 655 656				Rodoald Aribert I
657 660			Clothar III ruled the entire monarchy till 660 when Austrasia went to Childeric II	
			Childeric II in Austrasia ruled the entire monarchy after death of Clothar III in 670	

Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy
661	Constantine IV, Pogonatus			Pertharith shared the kingdom with his brother, Gondebert, deposed by Grimoald
662				Grimoald
668				
671				Garibald, deposed same year and succeeded by Pertharith, restored
672		77. Adeodatus II	Thierry III successor to Childeric II, his brother Dagobert II ruled a part of Austrasia, particularly Alsace, until his death in 679 when Thierry III ruled the entire monarchy	
673				
674				
676				
678	Justinian II	78. Donus I		Cunibert associated with his father, became king in 686
		79. Agathon		
682		80. Leo II		
684		81. Benedict II		
685		82. John V		
686		83. Conon		
687		(Theodorus)		
"		(Paschal)		

Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy
687 691		84. Sergius I	Clovis III ruled the entire monarchy	
695	Leontius		Childebert III ruled the entire monarchy	
698	Tiberius III, Aspimar			
700		85. John VI		Luitpert
701				Ragimbert
705	Justinian II restored	86. John VII		Aribert II
708		87. Sisinnius		
"		88. Constantine		
711	Philippicus Bardanes		Dagobert III ruled the entire monarchy	
712				Ansbrand
"				Liutprand
713	Anastasius II			
715	Theodosius III	89. Gregory II	Chilperic II	
716				
717			Clothar IV placed over Austrasia by Charles Martel, Mayor of the Palace	
718	Leo III, the Isaurian			
720			Thierry IV	
731		90. Gregory III		
736				Hildebrand associated with his uncle, reigned alone in 744
741	Constantine V, Copronymus	91. Zacharias		
742			Childeric III	
744				Ratchis
749				Astolf



Year of Accession	Emperors at Byzantium	Popes at Rome	Kings of the Franks in Gaul	Kings of the Lombards in Italy
752		92. Stephen (II) <sup>1</sup>	Pippin the Short	
"		93. Stephen II (III)		Desiderius
756				
757		94. Paul I		Adalgise, associated with his father
767		(Constantine II)		
768		(Philip)	Charles the Great in Neustria and Carloman in Austrasia. At death of Carloman in 771 Charles the Great united the entire monarchy, and in 774 became King of the Lombards also	
"				
772		95. Stephen III (IV)		
774		96. Adrian I		Charles the Great, also King of the Franks
775	Leo IV			
780	Constantine VI and his mother Irene			
790	Constantine alone			
792	Irene again with her son, and after 797 alone			
795		97. Leo III		

<sup>1</sup> In the *Gerarchia Cattolica*, p. 15, a name is inserted for the 92d pope, which, according to the note at the foot of the page, should not be included in the list of popes; for the person there named "Stephen II" died three days after election without ordination, which, as stated in the note, was essential to a place in the pontificate. For this reason, "Stephen III" in the semi-official list is here made Stephen II, etc., in conformity with the order given in the *Liber Pontificalis* and other historical authorities.

**TABLE III**  
**PRINCIPAL RULERS OF EUROPE DURING THE CARLOVINGIAN PERIOD, 800-899**

Year of Accession	Emperors		Popes at Rome	Carlovingian Kings	
	In the West	In the East		France	Lotharingia <sup>1</sup>
800	Charles I, the Great	Irene since 797	97. Leo III since 795		
802		Nicephorus I			
811		Stauracius			
813		Michael I Leo V, the Armenian			
814	Lewis I, the Pious		98. Stephen IV (V)		
816			99. Paschal I		
817	Lothair I	Michael II, the Stammerer	100. Eugenius II 101. Valentinus 102. Gregory IV		
820					
824		Theophilus			
827					
828					
829					
840		Michael III			
842					

843		Charles the Bald	Lothair I, Emperor and King in Lotharingia	Lewis I, the German
844				
"				
847				
855	Lewis II			
"				
858				
867	Basil I, the Macedonian	103. Sergius II 104. Leo IV (Anastasius)		
872				
875	Charles II, the Bald	105. Benedict III 106. Nicholas I 107. Adrian II 108. John VIII	Lewis II, Emperor, in Italy, Charles in Provence till 863, and Lothair II in Lotharingia till 869 <sup>2</sup>	
876			Charles the Bald in Italy	Carloman in Bavaria, Lewis the Younger in Saxony, and Charles the Fat in Suabia

<sup>1</sup> By the Treaty of Verdun, in 843, the Empire of Charles the Great was divided into three parts, France, Lotharingia, and Germany. See explanation in the text.

<sup>2</sup> In 855, by the death of Lothair I, Lotharingia was subdivided into Italy, which with the imperial title went to Lewis II, Provence, later called Lower Burgundy, which went to Charles, and Lotharingia Proper, which went to Lothair II. See explanation in the text.

Year of Accession	Emperors		Popes at Rome	Carlovingian Kings		
	In the West	In the East		France	Lotharingia	Germany
877				Louis the Stam- mer	Carloman in Italy	
879				Louis III and Carloman, sons of Louis II, to- gether till 882, Carloman alone till 884		
880					Charles the Fat in Italy	
881	Charles III, the Fat, over the whole Empire					
882			109. Marinus I, or Martin II	Charles the Fat	Charles the Fat	Charles the Fat
884			110. Adrian III			
885			111. Stephen V (VI)			
886		Leo VI		Eudes, set up in opposition to Charles the Simple	Lewis, son of Boso, in Lower Burgundy, Ru- dolf in Upper Burgundy, and Arnulf in Lo- tharingia	Arnulf
887						



888					
891	Guido	112. Formosus			
894	Lambert	113. Boniface VI			
896	Arnulf	114. Stephen VI			
"		(VII)			
897		115. Romanus			
"		116. Theodorus II			
898		117. John IX			
899			Charles the Simple	Lewis, son of Boso, in Italy	Lewis the Child

TABLE IV

A LIST OF EMPERORS AND POPES FROM 900 TO 1313

Year of Accession	Emperors		Popes
	In the West	In the East	
900	Lewis III, son of Boso  (Conrad I) <sup>1</sup>	Leo VI, since 886	118. Benedict IV
901			
903			119. Leo V
"			(Christopher)
904			120. Sergius III
911	Berengar (Henry I, the Fowler)	Alexander and Constantine VII, Porphyrogenetus	121. Anastasius III
913			122. Landonius
914			123. John X
915			
919		Romanus Lecapenus and his sons, Christopher, Stephen, and Constantine VIII	
928			124. Leo VI
"			125. Stephen VII (VIII)
931			126. John XI
936			127. Leo VII
939			128. Stephen VIII (IX)
942			129. Marinus II or Martin III
945		Constantine VII restored	
946			130. Agapetus II
955			131. John XII
959		Romanus II	

<sup>1</sup> In the list of Emperors in the West, the names in marks of parenthesis are of Kings of Germany who were never crowned emperor by the Pope. The year of accession in the case of all the German emperors is taken from the date when they began to reign, not from the date of the papal coronation, which is given in the text. The authority followed for these dates is Richter's *Annalen des Deutschen Reichs*.

TABLE IV

Year of Accession	Emperors		Popes	
	In the West	In the East		
962	Otto I, King of Germany since 936	Nicephorus II, with Basil II, and Con- stantine IX in tutelage		
963			132. Leo VIII (of questioned le- gitimacy)	
964			133. Benedict V (of questioned le- gitimacy)	
965			134. John XIII	
969	Otto II, crowned emperor at Rome in 967 to promote his marriage with Theophano	John I, with same		
973			135. Benedict VI	
974			(Boniface VII)	
“			136. Benedict VII	
976	Otto III	Basil II and Con- stantine IX till 1025		
983			137. John XIV	
985			138. John XV	
996			139. Gregory V	
997			(John XVI)	
999			140. Sylvester II	
1002				
1003	Henry II		141. John XVII	
1004			142. John XVIII	
1009			143. Sergius IV	
1012			144. Benedict VIII	
“	Conrad II		(Gregory)	
1024			145. John XIX	
1025	Constantine IX, alone			
1028				
1032				
1034		146. Benedict IX		
1039	Henry III	Michael IV		
1041		Michael V		
1042		Constantine X		
1045			147. Sylvester III	
“			148. Benedict IX, again	
“			149. Gregory VI	
1046			150. Clement II	

Year of Accession	Emperors		Popes
	In the West	In the East	
1047	Henry IV	Theodora, widow of Constantine X	151. Benedict IX, again
1048			152. Damasus II
1049			153. Leo IX
1054			
1055			154. Victor II
1056			
1057		Michael VI	
1058		Isaac I, Comnenus	155. Stephen IX (X) (Benedict X)
1059		Constantine XI, Ducas	156. Nicholas II
1061			157. Alexander II (Honorius II)
1067	Henry V	Eudocia, widow of Constantine XI, and Romanus IV	
1071		Michael VII, Ducas	
1073			158. Gregory VII (Clement III)
1078		Nicephorus III	
1080			
1081		Alexis I, Comnenus	
1087			159. Victor III
1088			160. Urban II
1099			161. Paschal II (Theodoric) (Albert) (Sylvester IV)
1100			
1102	Henry V	John, Comnenus	162. Gelasius II (Gregory VIII)
1105			163. Calixtus II
1106			164. Honorius II (Celestine II)
1118			
1119			165. Innocent II (Anacletus II) (Victor IV) <sup>1</sup>
1124			
1125			
1130			
1138			
1143	(Conrad III, rival with Lothair from 1127)	Manuel I, Comnenus	166. Celestine II
1144			167. Lucius II
1145			168. Eugenius III

<sup>1</sup> The antipopes named "Victor IV" were different persons; the second, of 1159, apparently, taking his numeration directly after Victor III of 1087, without reference to the antipope of 1138.



Year of Accession	Emperors		Popes
	In the West	In the East	
1152	Frederick I	Alexis II, Comnenus	169. Anastasius IV
1153			170. Adrian IV
1154			171. Alexander III
1159			(Victor IV) <sup>1</sup>
"			(Paschal III)
1164			(Calixtus III)
1168			(Innocent III)
1179			
1180			
1181			
1183	Henry VI	Adronicus I, Comnenus	172. Lucius III
1185		Isaac II, Angelus	173. Urban III
1187			174. Gregory VIII
"			175. Clement III
1190			
1191		Alexis III, Angelus	176. Celestine III
1195			
1198			177. Innocent III
1203	Double election of (Philip of Suabia) and Otto IV	Isaac II again and his son Alexis IV	
1204		Alexis V	
"		Baldwin I, Latin Emperor	
"		Theodore Lascaris I, Greek Emperor at Nicaea	
1206		Henry I, Latin Emperor	
1208			
1212			
1216		Peter de Courtenay, Latin Emperor	178. Honorius III
1218			
1219		Robert de Courtenay, Latin Emperor	
1222	Frederick II alone	John Ducas Vataces, Greek Emperor, at Nicaea	
1227			179. Gregory IX

<sup>1</sup> See note, p. 438.

Year of Accession	Emperors		Popes
	In the West	In the East	
1228		Baldwin II, till 1261, Latin Emperor	
1231		John of Brienne, rival	
1241			180. Celestine IV
1243			181. Innocent IV
1246	(Henry Raspe)		
1247	(William of Hol- land)		
1250	(Conrad IV)		
1254			182. Alexander IV
1255		Theodore Lascaris II at Nicaea	
1257	(Richard of Corn- wall and Al- fonso of Castile, rivals)		
1259		John Lascaris, at Nicaea	
1261		Michael VIII Pal- aeologus, or An- dronicus I	183. Urban IV
1265			184. Clement IV
1271			185. Gregory X
1273	(Rudolf of Haps- burg)		
1276			186. Innocent V
"			187. Adrian V
"			188. John XXI
1277			189. Nicholas III
1281			190. Martin IV
1282		Andronicus II	
1285			191. Honorius IV
1288			192. Nicholas IV
1292	(Adolf of Nassau)		
1294			193. Celestine V
"			194. Boniface VIII
1298	(Albert of Haps- burg)		
1303			195. Benedict XI
1305			196. Clement V
1308	Henry VII, of Luxemburg, crowned empe- ror in 1312		

## TABLE V

KINGS OF FRANCE, ENGLAND, AND SCOTLAND FROM 1060 TO 1313

Year of Accession	France	England	Scotland
1060	Philip I	Edward III, the Confessor, since 1042	Malcolm III since 1057
1066		Harold II, defeated by William the Conqueror	
"		William I, of Normandy, the Conqueror	
1087		William II	
1093			Donald VIII (Duncan II)
1098			Edgar
1100		Henry I	
1107			Alexander I
1108	Louis VI		
1124			David I
1135		Stephen	
1137	Louis VII		
1153			Malcolm IV
1154		Henry II	
1165			William
1180	Philip II, Augustus		
1189		Richard I, the Lion Hearted	
1199		John, Lackland	
1214			Alexander II
1216		Henry III	
1223	Louis VIII		
1226	Louis IX, Saint Louis		
1249			Alexander III
1270	Philip III, the Hardy		
1272		Edward I	
1285	Philip IV, the Fair		
1286			Marguerite
1292			John Balliol
1306			Robert I, Bruce
1307		Edward II	

## TABLE VI

## THE SPANISH MONARCHIES FROM 1054 TO 1313

Year of Accession	Castile	Leon	Navarre	Aragon
1054	Sancho II Alfonso VI	Alfonso VI	Sancho IV	Sancho I
1063				
1065				
1072			Sancho V	Peter I Alfonso I
1076			Peter	
1094	Urraca and Alfonso VII Alfonso VIII		Alfonso I	
1104				
1109				
1126				
1134			Garcia V	Ramiro II Raymond
1137	Sancho III Alfonso IX	Ferdinand II	Sancho VI	
1150				
1157				
1158				
1162				Alfonso II
1187	Henry I Ferdinand III	Alfonso IX		
1194			Sancho VII	Peter II Jayme I
1196				
1213				
1214				
1217	Alfonso X	Ferdinand III <sup>1</sup>		
1230			Thibaut I <sup>2</sup>	
1234				
1252			Thibaut II	
1253			Henry I	
1270	Sancho IV	Sancho IV	Jeanne I (Queen)	Peter III
1274				
1276				
1284			Philip, the Fair of France	Alfonso III
1285				
1291	Ferdinand IV	Ferdinand IV		Jayme II
1295				
1305	Alfonso XI	Alfonso XI	Louis	
1312				

<sup>1</sup> The definitive union of Leon with Castile occurred in 1230.<sup>2</sup> Beginning of the French dynasty in Navarre under Thibaut I, 1234.



# TABLE VII

## A CHRONOLOGICAL LIST

OF

## TREATIES AND OTHER PUBLIC ACTS

DATE A. D.	SUBJECT	PAGE
	259. First alliance of the Romans with the Franks . . . . .	28
	271. Treaty of alliance of the Romans with the Vandals . . . . .	28
	284. The Reforms of Diocletian . . . . .	16
March	313. The Edict of Milan . . . . .	19
	325. The Council of Nicaea . . . . .	20
	330. Transfer of the imperial capital by Constantine from Rome to Byzantium . . . . .	16
	332. Treaty of alliance of the Romans with the Goths . . . . .	28
	376. Treaty of the Emperor Valens with the Goths . . . . .	29
	380. Treaty of the Emperor Theodosius I with the Goths . . . . .	29
	391. Legal abolition of Paganism . . . . .	21
	395. Final division of the Empire under Honorius and Arcadius . . . . .	16
	412. Treaty of the Emperor Honorius with Atolf, King of the Goths . . . . .	30
	441. Treaty of the Emperor Theodosius the Younger with Genseric, King of the Vandals . . . . .	30
	442. Treaty of peace of the Emperor Valentinian III with Genseric, King of the Vandals . . . . .	30
	476. The embassy of Odoacer to the Emperor Zeno . . . . .	31
	480. Treaty of the Emperor Zeno with Theodoric the Goth . . . . .	35
	488. Second treaty of the Emperor Zeno with Theo- doric the Goth . . . . .	36
	739. Treaty of alliance between Charles Martel and Liutprand, King of the Lombards, against the Saracens . . . . .	74
	740. Treaty between Pope Gregory III and Trasa- mund, Duke of Spoleto . . . . .	69
	741. Negotiations of Pope Gregory III with Charles Martel . . . . .	70

DATE A. D.	SUBJECT	PAGE
	742. Donation of Liutprand, King of the Lombards, to Pope Zacharias . . . . .	75
	752. Treaty between Astolf, King of the Lombards, and Pope Stephen II . . . . .	79
April 14, 754.	Treaty of Carisiacus between Pippin, King of the Franks, and Pope Stephen II . . . . .	80
	755. Treaty between Pippin, King of the Franks, and Astolf, King of the Lombards . . . . .	83
	755. Donation of Pippin, King of the Franks, to Pope Stephen II . . . . .	84
	756. Treaty between Desiderius, King of the Lombards, and Pope Stephen II . . . . .	85
	774. Donation of Charles the Great, King of the Franks, to Pope Adrian I . . . . .	90
	781. Treaty between Charles the Great and the Empress Irene for the marriage of Rothrude and Constantine . . . . .	103
Dec. 23, 800.	Public purgation of Pope Leo III . . . . .	95
Dec. 25, 800.	Coronation of Charles the Great as Emperor of the Romans . . . . .	95
	802. Negotiations for the marriage of Charles the Great and Irene, Empress of the East . . . . .	109
	803. Negotiations between Charles the Great and the Emperor Nicephorus I . . . . .	119
	806. Act of partition of the Empire by Charles the Great . . . . .	123
	810. Treaty of peace between Charles the Great and the Emperor Nicephorus I . . . . .	125
	812. Confirmation of the treaty of peace between Charles the Great and the Emperor of Byzantium . . . . .	126
	817. The "Ordinatio" concerning the imperial succession . . . . .	147
	824. The Constitution for the papal election and government of Rome . . . . .	158
	837. Final partition of the Empire by Lewis the Pious . . . . .	130
Feb. 14, 842.	The Oath of Strasburg . . . . .	131
Aug. 843.	The Treaty of Verdun . . . . .	132
	844. Organization of the Carlovingian Confraternity at Thionville . . . . .	134
	851. First treaty of Mersen confirming the Carlovingian Confraternity . . . . .	137
	854. Treaty of Liège between the Emperor Lothair and Charles the Bald . . . . .	137
Sept. 855.	Second partition of the Empire . . . . .	137

# A CHRONOLOGICAL LIST OF TREATIES, ETC. 445

DATE A. D.	SUBJECT	PAGE
June 6, 860.	The Peace of Coblenz . . . . .	142
March 6, 870.	Treaty of peace between Charles the Bald and Lewis the German . . . . .	145
Aug. 8, 870.	The Partition of Mersen . . . . .	145
June 14, 877.	The Capitulary of Quierzy . . . . .	151
910.	Foundation of the Cluny brotherhood . . . . .	203
Feb. 13, 962.	The Privilegium of Otto I to the Roman Church . . . . .	180
June 1006.	Agreement of King Rudolf III with the Em- peror Henry II for the inheritance of Bur- gundy . . . . .	199
1027.	Local convention at Roussillon for peace on the Lord's day . . . . .	201
1032.	Enforcement of the agreement for the inherit- ance of Burgundy by Conrad II . . . . .	199
April 1059.	The election of the Pope confided to the College of Cardinals . . . . .	212
April 1073.	Spain claimed as a possession of St. Peter . . . . .	233
Feb. 1075.	Decree against lay investiture . . . . .	222
Nov. 1095.	Proclamation of the first crusade . . . . .	237
1112.	Alliance of the Milanese and the Pavians for mutual defence . . . . .	263
1115.	The possessions of the Countess Matilda claimed by the Papacy . . . . .	247
Sept. 23, 1122.	The Concordat of Worms . . . . .	246
1145.	Treaty of Eugenius III with the Romans ac- cepting the Commune and the Senate . . . . .	275
Nov. 14, 1158.	Opening of the diet at Roncaglia . . . . .	287
1167.	Formation of the Lombard League . . . . .	292
April 16, 1175.	The armistice of Montebello . . . . .	293
Aug. 1, 1177.	Ratification of the Truce of Venice . . . . .	301
June 25, 1183.	Signature of the Peace of Constance . . . . .	304
Oct. 1184.	Treaty of Augsburg arranging the marriage of Constance of Sicily and Henry VI of Germany . . . . .	305
April 1196.	Proposal of Henry VI to render the Empire hereditary in his family . . . . .	310
Nov. 11, 1197.	Formation of the Tuscan League . . . . .	312
March 1202.	King John of England cited to appear before the peers of France . . . . .	385
1213.	King John's concession of England and Ireland to the Pope . . . . .	330
July 1213.	The Golden Bull of Eger . . . . .	332
March 1226.	Renewal of the Lombard League for twenty- five years . . . . .	337

DATE A. D.	SUBJECT	PAGE
Feb. 18, 1229.	Treaty of Frederick II with the Saracens for the possession of Jerusalem . . . . .	340
March 17, 1229.	Frederick II assumes the crown of the Kingdom of Jerusalem . . . . .	341
July 23, 1230.	The Treaty of San Germano between Frederick II and Pope Gregory IX . . . . .	342
July 17, 1245.	Deposition of Frederick II by Pope Innocent IV . . . . .	348
1255.	Formation of the League of the Rhine . . . . .	353
1255.	Adoption of the "Consolato del Mare" as a maritime code by the Venetians . . . . .	362
1259.	Beginning of the Hanseatic League . . . . .	353
Oct. 9, 1259.	Treaty of peace between Louis IX of France and Henry III of England . . . . .	388
1265.	Offer of the Sicilian throne to Charles of Anjou by Pope Urban IV . . . . .	350
1269.	The "Pragmatic Sanction" of Louis IX . . . . .	389
1273.	Choice of Rudolf of Hapsburg as emperor by the Electoral College . . . . .	352
June 30, 1278.	Donation of the Romagna and the March of Ancona to the Holy See by Rudolf of Hapsburg . . . . .	354
Aug. 1291.	Establishment of the Swiss Confederation . . . . .	410
1291.	The Congress of Tarascon . . . . .	394
Nov. 1293.	King Edward I of England cited to appear before the peers of France . . . . .	394
Feb. 24, 1296.	The Bull "Clericis Laicos" issued by Pope Boniface VIII . . . . .	398
Oct. 12, 1297.	The conflict between King Edward I of England and King Philip IV of France referred to papal arbitration . . . . .	395
Dec. 5, 1301.	The Bull "Ausculat Fili" issued by Pope Boniface VIII . . . . .	399
Feb. 11, 1302.	Burning of the Papal Bull in Notre-Dame at Paris . . . . .	399
Nov. 18, 1302.	The Bull "Unam Sanctam" issued by Pope Boniface VIII . . . . .	400
May 20, 1303.	Treaty of Paris between Philip IV of France and Edward I of England . . . . .	395
June 13, 1303.	The doctrine of papal absolutism publicly denounced in France . . . . .	400
Sept. 8, 1303.	Capture of Pope Boniface VIII at Anagni . . . . .	401
June 5, 1305.	Election of Pope Clement V at Lyons followed by the establishment of the Papacy at Avignon . . . . .	403



# A CHRONOLOGICAL LIST OF TREATIES, ETC. 447

DATE A. D.	SUBJECT	PAGE
Oct. 11, 1310.	Oath of the Emperor-elect Henry VII at Lausanne promising to make no encroachments upon the papal rights at Rome during his visit for coronation . . . . .	413
Aug. 6, 1312.	Protest of the Emperor Henry VII against the assumptions of the Pope and denial of his right to impose conditions . . . . .	416



# INDEX

- AACHEN**, capital of Charles the Great; its importance as a centre of influence, 120; conference called there by Lothair II condemns Teutberga, 141.
- Aarhus**, The See of, established in Danish March, 174.
- Aba**, King of Hungary, dethroned by Henry III, 200.
- Abelard**, his influence in new conceptions of civic life, 250; referred to, 273.
- Adalbert**, Marquis of Tuscany, allies himself with Carloman against Pope John VIII, 166.
- Adalbert**, son of Berengar, referred to, 177.
- Adelaide**, widow of Lothair, commanded to marry Adalbert, escapes, appeals to Otto I, and marries him, 177.
- Adolf of Nassau**, deposition of, 407.
- Adrian I**, Pope, his diplomacy with Charles the Great, 89; his comparison of Charles with Constantine, 101; his reply to Irene concerning sacred images, 104; his strained relations with Charles, 104, 105, 106; his death, 106.
- Adrian II**, Pope, induced to remove ban from Waldrada, 144; death of, 148.
- Adrian IV**, Pope, election of, 277; the interdict of, 277, 278; his visit to camp of Frederick I, 279; diplomacy of, 283; his correspondence with Frederick, 285; his conflicting claims with Frederick, 285; defections of Romans from, death of, 286.
- Adriatic sea**, as a barrier between East and West, 44; the natural line of separation between the two empires, 121; the conflict for, 121.
- Ætius**, his attempt to overthrow Irene and raise his brother to imperial power in East, 110.
- Africa**, as part of Roman Empire, 2; Kingdom of Vandals in, 32, 34, 35, 37, 42; domains in, received as legacies by Gregory I, 60.
- Agnes**, Empress, her marriage with Henry III of Germany, 200; abolition of her regency over young Henry IV, 215.
- Agnes**, of Meran, her marriage to Philip of France, 329; her death, 329.
- Alamanni**, the, as Roman *coloni*, 26; Kingdom of, 35; driven by Clovis to seek refuge in Italy, 38; protection to ambassadors in the code of, 40.
- Alaric**, leader of the Goths, invasions of, 29, 30.
- Alaric II**, King of the Visigoths, his marriage to a daughter of Theodoric, 37.
- Albano**, Cardinal Bishop of, a member of College of Cardinals, 212; Bishop of, referred to in connection with coronation ceremony, 220.
- Alberic**, son of Marozia, assumes authority over Rome, 177; his death, 177.
- Albert**, the "Bear," disputes heritage of Saxony with Henry the "Proud," 269.
- Albert I**, of Hapsburg, his imperial claims not recognized by Boniface VIII, 398; recognized as emperor, 401; death of, 407.
- Alcantara**, Order of, formed in middle of twelfth century, 378.
- Alcuin**, advises Charles the Great to send Leo III back to Rome with escort, 94.
- Alexander II**, Pope, his rivalry with Honorius II, 214; death of, 215.
- Alexander III**, Pope, relation to Lombard League, 291; refuses offer of Emperor Manuel I, 293; negotiations with Emperor Frederick I, 294; wisdom and generosity of, 298; recognized as pope by the German plenipotentiaries, 300; presides at Congress of Venice, 301; receives Frederick I, 301; imposes penance on Henry II of England, 302; victory over Frederick I, 302; death of, 302; referred to, 309.
- Alexander IV**, Pope, 350.
- Alexandria**, an original patriarchate, 22; Jerusalem and Antioch in hands of Mussulmans, 63.

- Alexandria, city built by Lombard League in honor of Pope Alexander III, 293; its name changed to "Caesarea," 304.
- Alexis III, Eastern Emperor, referred to, 311.
- Alexis IV, son of Isaac Angelus, his appeal to Venice to restore his father; his death, 323.
- Alfonso X, of Castile, named as "King of the Romans," 351; death of, 392.
- Alfonso, of Poitiers, brother of Louis IX, his death, 392.
- Alonzo II, of Galicia and Asturia, honors Charles the Great, 120.
- Amalaberga, niece of Theodoric, marries Hermenfrid, 37.
- "Amalfi, Tables of," in connection with maritime legislation, 362.
- Amalfreda, sister of Theodoric, marries Trasamund, King of the Vandals, 37.
- Ambassadors, reception of in barbarian kingdoms and at Byzantium, 40; choice and reception of at Venice, 297; use of, and distinctions regarding the word "Ambassador," 359, 360; functions and duties of, as required by the Venetians, 359, 360, 361; predominance of Italian ambassadors at the great jubilee celebrated by Boniface VIII, 397. See also "Envoys."
- "*Ambaxiatores*," use of, and distinctions in regard to the word, 359, 360.
- Ambrose, referred to, 267.
- Amiens, referred to, 390.
- Anacletus II, Pope, election of, 265; excommunication of, 267; death of, 270; his acts annulled by Lateran Council, 271.
- Anagni, Pope Adrian IV withdraws there and dies, 286, 287; The Pact of, 295; Gregory IX and Frederick II meet there for reconciliation, 343; negotiations for peace between Frederick II and Innocent IV, 347; the outrage at, 401.
- Anastasius, Eastern Emperor, recognizes Theodoric the Goth, 36; tolerance of, 43.
- Anastasius II, Pope, his letter to Clovis, 53.
- Anastasius, Antipope, set up in opposition to Benedict III, 160, 161.
- Anastasius IV, Pope, 277.
- Ancona, March of, its cession to Holy See revoked by Frederick II, 338; referred to, 346; donation of to Holy See by Rudolph of Hapsburg, 354.
- Andernach, meeting there between Charles the Bald and Lewis the German, 139.
- Angelus, Isaac, Eastern Emperor, 310; restored to his throne and later murdered, 323.
- Angevin, kings of England, 383; power in France, fall of, 385; lands claimed by Philip Augustus, 386.
- Angilbert, sent by Charles the Great to Leo III, 93.
- Anjou, united with Normandy and Maine by Henry Plantagenet, 382; House of, referred to, 383; in possession of Philip Augustus, 386, 387.
- Anno, Archbishop of Köln, conspires to capture young Henry IV of Germany, and becomes head of the government, 215.
- Anseghisus, ambassador of Charles the Bald to Pope Adrian II, 145, 146.
- Anselm, of Canterbury, referred to, 250.
- Anselm, of Lucca, compiles the Canon Law by order of Gregory VII, 225.
- Anspert, Archbishop of Milan, receives letter from Pope John VIII relative to imperial succession, 166.
- Antioch, an original patriarchate, 22; in the hands of Mussulmans, 63.
- Aosta, valley of, Charles the Bald meets papal embassy there on his way to Rome, 149.
- Apulia, abandoned by Otto IV, 329.
- Aquitaine, ruled over by Lewis, son of Charles the Great, 124; Duchy of, referred to, 380; inheritance of Queen Eleanor, 386; inheritance in granted to King of England, 388; as security for papal loans to Edward II of England, 405.
- Aquitania, a portion of what is now France, 380.
- Arabs, conquests of, 42, 63; opposed by the Franks, 55.
- Aragon, vassal to Holy See, 330; repudiates submission of its king to Innocent III and refuses promised tribute, 331; referred to, 391.
- Arbogastes, German soldier, rebellion of, 28, 29.
- Arcadius, Emperor, rules over the East, 16.
- Ardoin, Marquis of Ivrea, sets up a kingdom in Italy, 194.
- Arezzo, referred to, 261; joins Tuscan League, 313; revival of feared by Florence, 413.
- Arian heresy, accepted by the barbarians, 37, 49; rescue of Spain from, 61.
- Aristotle, his works referred to, 259.
- Arles (or Lower Burgundy), assigned to Lewis, son of Duke Boso, 153; King-



- dom of, referred to as one of the divisions of the Empire, 355.
- Armenia, vassalage demanded by Henry VI, 310; asks protection or mediation of the Pope, 330.
- Army, degeneration of the Roman, 27; the feudal compared with the King's, 373.
- Arnold of Brescia, his influence, 250; protests against temporal power of the Pope, 273, 274; denounces pretensions of the clergy, 278; his exile demanded by Pope Adrian IV but refused, 278; his capture demanded, 279; slain, burnt, and his ashes thrown in the Tiber, 281.
- Arnulf, Bishop of Metz, together with Count Pippin of Landen becomes counsellor to Dagobert, 70.
- Arnulf, Emperor, overthrows Charles the Fat, and assumes kingship of Germany, 152; crowned emperor by Pope Formosus, 170; death of, 170.
- Arsenius, Bishop, referred to, 160.
- Arsenus, Bishop of Orta, as delegate of Pope, restores Teutberga to her position as queen, 144.
- Arthur of Brittany, claimant for the estates of Anjou, 385; disappearance of, 386.
- Artillery, comes into use and changes the nature of warfare, 373.
- Artois, Count Robert of, brother of Louis IX, referred to, 390.
- Asia, dominion of Roman Empire in, 2; domains in, received as legacies by Gregory I, 60.
- Assemblies, provincial, in Roman Empire, 7.
- Assyria, renounced by Hadrian, 3; recovered by Marcus Aurelius, 3.
- Astolf, becomes King of the Lombards and renews policy of conquest, 78; his negotiations with, and sending of the monk Carloman to, Pippin, 81; signs treaty to restore Ravenna and other cities to the "Republic of the Romans," 83; besieges Rome, 83; death of, 85.
- Asturia, referred to, 120.
- Attigny, Palace of, invaded and occupied by Lewis the German as King of France, 138, 149.
- Attila, leader of the Huns, invasions of, 30.
- Audelfreda, sister of Clovis, marries Theodoric the Goth, 37.
- Augsburg, assembly there restores Berengar to Kingdom of Italy but assigns certain provinces to Henry, Duke of Bavaria, 178; treaty of referred to, 305.
- Augustine, Bishop of Great Britain, converts Ethelbert, King of Kent, 62; establishes his mission at Canterbury, 62.
- Augustus, title of, 3.
- Aurelian, Emperor, defends the Roman Empire from the barbarians, 25.
- Aurelius, Marcus, Emperor, last of the "five good emperors," 15; defends Rome from the barbarians, 25.
- "Ausculda Fili," the Bull, by Boniface VIII, burned in Notre-Dame at Paris, 399.
- Austrasia, its union with Neustria and Burgundy, forming Frankish monarchy, 55.
- Austria, Duchy of, establishment of, 282; possessed by the House of Hapsburg, 407.
- Autharis, Duke, together with the Abbot of Görtz, sent by Pippin to conduct Pope Stephen II to Frankish kingdom, 79.
- Auvergne, falls to Philip III of France, 392.
- Avars, opposed by the Franks, 55; in alliance with the Lombards, 57.
- Avignon, not a papal possession, 404; the Papacy at, 405.
- Avis, Order of, formed in middle of the twelfth century, 378.
- Avitus, Bishop of Vienne, his letter to Clovis, 53.
- Ayala, jurisconsult, referred to, 13.
- Aymar, of Monteil, Bishop of Puy, asks to be first to enlist in crusade proclaimed by Pope Urban II, and is made Apostolic Legate, 237.
- "BABYLONIAN Captivity," period known as, 404.
- Bagdad, its friendly alliance with Charles the Great, 103.
- Baldwin, Count of Flanders, named as emperor in East by crusaders, 323, 324; crowned at Byzantium by a papal legate, 326.
- Balliol, John, King of Scotland, referred to, 394.
- Bamberg, Bishop of made pope under name of Clement II by Henry III of Germany, 202; bishops meet there and declare against Pope Gregory VII, 228.
- Barbarian world, the, described, 23; kingdoms, their nature, 34; their extent and boundaries, 34, 35; kingdoms, diplomatic usages of, 38; kingdoms, international relations of, 41; invasions, effect of, upon the West, 45.
- Barbarians, public policy of Rome re-

- garding the, 24; colonized within the Roman Empire, 26; ambitions of the, 28; relation to the Church of the, 49.
- Bari, besieged by Otto the Great, 183.
- Basel, referred to, 196; council there sets up Antipope Honorius II, 214; referred to, 267.
- Basil I, Eastern Emperor, his correspondence with Lewis II, 148; his secret negotiations with Pope John VIII, 167.
- "Basileus," meaning "Emperor," title accorded to Charles the Great by Eastern ambassadors, 126.
- Batavians enter into alliance with the Romans, 28.
- Bautzen, Treaty of, between Emperor Henry II and Boleslav of Poland, 196.
- Bayonne granted to King of England, 388.
- Beatrice, mother of Countess Matilda, her marriage with Godfrey, Duke of Lower Lotharingia, 211; made captive by Henry III, 211.
- Beatrice, of Burgundy, marries Frederick I, 282.
- Beatus, brother of Obellerius, the Venetian tribune, appeals to Charles the Great, 122.
- Becket, Thomas, Archbishop of Canterbury, murder of, 302.
- Belisarius, general of Justinian, services of, 42; victories of, 43.
- Bellonus, temple of, referred to, 10.
- Benedict, Saint, founds order bearing his name and erects monastery at Monte Casino, 58, 59.
- Benedict III, Pope, referred to, 160; recognized as pope, 161.
- Benedict V, Pope, elected by the Romans in violation of their vow to Otto I, 182; captured by Otto, 182.
- Benedict VI, Pope, massacred at Rome, 189.
- Benedict VII, Pope, set up by Otto II, 189.
- Benedict VIII, Pope, his gift of a globe of gold to the Emperor Henry II, as a symbol of world dominion, 195; member of, and set up by, the House of Tusculum, 201.
- Benedict IX, Pope, member of, and set up by, the House of Tusculum, 201; his behavior the scandal of Christendom, 202.
- Benedict X, Pope, elected by the counts of Tusculum, 211, 212; deposed by synod at Sutri, 212.
- Benedict XI, Pope, at the mercy of the national kings, 402; cancels acts of his predecessor, Boniface VIII, and restores France to the Church, 402; death of, 402.
- Benevento, Duke of, alliance with Spoleto and Gregory III, 69; causes discord in Italy, 162; depredations on Rome, in opposition to Pope John VIII, 164; his vassalage to Otto the Great, 183.
- Berengar, Duke of Friuli, made King of Italy, 153; contestant for imperial crown, 170.
- Berengar, of Ivrea, King of Italy, overthrows Lothair in Italy and puts him to death, 177; becomes a vassal of Otto I, 178; made prisoner by Otto, 182.
- Bergamo, bishop of, deposed by Council of Pisa, 267.
- Bernard, natural son of Pippin, assigned kingship of Italy, 125; dispossessed by Lewis the Pious, 129; blinded, 129; death of, 129.
- Bernard, of Clairvaux, the appeal to, 266; mission of, 267; aids Eugenius III to establish *modus vivendi* with Romans, 276.
- Berne, its accession to the Swiss league, 411.
- Bertha, Queen, mother of Frankish kings Charles the Great and Carloman, goes to Rome to arrange marriages for her sons with daughters of Desiderius, 88, 89.
- Bertrand de Got, Archbishop of Bordeaux, elected pope as Clement V, 403.
- Besançon, diet there praises Frederick I, 282; the Besançon incident, 283.
- Bethlehem, restored to the Christians, 340.
- Bianchi*, a division of the Guelfs, 357.
- Billung, Count Hermann, assigned to rule over Saxony, jointly with Count Gero, by Otto the Great, 173.
- "Blacks," their quarrels with the "Whites" at Florence, 398.
- Blanche, sister of Philip III of France, referred to, 392.
- Blandrate, Count of, pleads for people of Milan to Emperor Frederick I, 291.
- Blois, County of, a possession of the House of Champagne, 384.
- Boëthius, put to death by Theodoric the Goth, 43.
- Bohemia, its homage to Otto the Great, 187; submits disputes to arbitration of Lothair II, 268; asks protection or mediation of the Pope, 330; King of, a member of Electoral College of the Empire, 351.
- Boleslav, King of Poland, recognized as king by Pope Sylvester II, 191.

- Boleslav II, King of Poland, excommunicated by Gregory VII, 234.
- Bologna, founding of school of law at, 246.
- Boniface, Saint, his work for conversion of Germany, 71; cuts down the sacred oak of Woden, 72; his letter to Daniel, Bishop of Winchester, 72; his work for the Papacy, 73; goes to Rome to confer with the Pope and returns to Germany with full powers, 73; establishes papal authority, 74; triumph of, 78; his departure for East Friesland, death at Dokkum, and burial at Fulda, 82.
- Boniface, Marquis of Tuscany, referred to, 211.
- Boniface VIII, Pope, referred to, 352, 353; confers blessing on the two dynasties at the wedding of Robert, grandson of Charles of Anjou, with Violante of Aragon, granddaughter of Manfred, 356; his policy, 396; his arrogance and reverses, 397; endeavors to protect himself from the consequences of his attitude toward France, 400; attack upon him at Anagni by armed men led by Nogaret and Colonna, 401; his rescue and death, 402.
- Bordeaux, granted to the King of England, 388.
- Boso, Duke of Arles, referred to, 151, 153; candidate for the imperial honor, 165.
- Bourgeoisie*, development of the class known as, in the towns, 371.
- Bouvines, battle of, 386.
- Brandenburg, Bishopric of, referred to, 174; Bishopric of, pillaged by the Slavs, 189; Margrave of, member of the Electoral College of the Empire, 351.
- Breakspeare, Nicholas, monk, mendicant scholar, becomes pope as Adrian IV, 278.
- Brescia, joins other cities in opposition to Milan, 264.
- Bretislav, Duke of Bohemia, his attempt to establish an independent Slavic kingdom frustrated by Henry III of Germany, 200.
- Brie, falls to Philip III of France, 392.
- Brindisi, Frederick II embarks from there for the East, 338.
- Britain, its conquest begun by Julius Caesar and completed under Claudius, 3; becomes a Roman province, 3; lost to the Roman Empire in 449, 31.
- Brittany, Duchy of, referred to, 380.
- Brixen, synod there deposes Pope Gregory VII and chooses Wibert, Bishop of Ravenna, as Pope Clement III, 228.
- Brunhildis, Queen, referred to, 61; murder of, 70.
- Bruno, brother of Otto the Great, chief of Otto's chancellery, 174; made Archbishop of Köln, 175.
- Bruno, cousin of Otto III, made pope by Otto as Gregory V, 190.
- Bruno, Bishop of Toul, cousin of Emperor Henry III, made pope as Leo IX, 204.
- Bruys, Peter de, denounces the sacerdotal system, 250.
- Buch, Christian von, his proposition at the Congress of Venice, 298, 299; counsels Frederick I, 300.
- Bulgaria, referred to as sending embassies to Otto the Great, 187.
- Bulgarus, learned doctor of Bologna, counsels Frederick I, 288.
- Buonconvento, Henry VII dies at, 417.
- Burgundia, a portion of what is now France, 380.
- Burgundians, their invasion of the Roman Empire, 30; kingdom of the, 35; followers of the Arian heresy, 37; conquests of the, 38; provision for the free lodging of envoys in the law of the, 40.
- Burgundy, its union with Austrasia and Neustria, forming Frankish monarchy, 55; Kingdom of, its accession by Conrad II, 199; Duchy of, referred to, 380.
- Burgundy, Lower and Upper, as divisions of the Empire, 153, 355.
- Byzantium, treaty of peace of the Franks with, 125; character of its embassies, 209; its ambassadors to the court of Lothair II, 268. See also Constantinople.
- CAESAR, title of, 3; title of under Diocletian, 16.
- Caesar, Augustus, consolidation of the Roman Empire by, 3; concentration of power in his person, 4.
- Caesar, Julius, begins the conquest of Britain, 3; augments the Roman Empire, 3; expels the Teutons and Cimbrians from Northern Gaul, 24; uses barbarian volunteers in his army, 28.
- Caesars, the, their rights and prerogatives revived in opposition to the theory of the Holy Roman Empire, 221.
- "Caesarea" new name for the city of Alexandria, built by the Lombard League, 304.
- Caesarea, in Palestine, Archbishop of, referred to, 342.
- Cairo, Archbishop of Palermo sent there on mission by Frederick II, 339.
- Caius Flavius, his wish to construct a temple of Concord, 12.

- Calabria, oppressed by Emperor Leo III, 68.
- Calixtus II, Pope, his diplomacy, 244.
- Candida Silva, Cardinal Bishop of, a member of the College of Cardinals, 212.
- Canon law, compiled by Anselm of Lucca, by order of Gregory VII, 225; referred to, 271.
- Canossa, penitence and absolution of Henry IV at, 223, 224; battle of, 234.
- Canterbury, Archbishop of, directed by Innocent III to excommunicate the barons of England for disobedience, 331; John Peckham, Archbishop of, his complaint against the Peace of, 1259, 388.
- Canute, King of Denmark, referred to, 198.
- Canute VI, King of Denmark, referred to, 329.
- Capet, Hugh, his rise in France, 189; referred to as "King of the French," 380.
- Capetian kings, their strength and vigor in building up a monarchy, 380, 381.
- "Capitularies," chapters of legislation used in the government of the Empire of Charles the Great, 119.
- "Captain of the People," local ruler in the Italian commonwealths, 358.
- Capua, Duke of, his vassalage to Otto the Great, 183.
- Capua, alliance concluded there by Hildebrand with Count Richard, 213.
- Caracalla, Emperor, extension of Roman citizenship by, 13.
- Carisiacus, Treaty of, 80.
- Carloman, son of Charles Martel, succeeds to power with his brother Pippin, 74; renounces his royal office and enters monastic life, 76; leaves the monastery to go as ambassador to Pippin for Astolf, 81; placed in a monastery at Vienne by Pippin, 81, 82.
- Carloman, son of Pippin, becomes joint king with Charles, 88; death of, 89.
- Carloman, son of Lewis the German, Italian estates of Emperor Lewis II bequeathed to, 149; opposes Charles the Bald in Italy, 151; a candidate for imperial honor, 165; his negotiations with Pope John VIII, 165; becomes master of Lombardy and is crowned at Pavia, 165; death of, 167.
- Carlovingian confraternity, 134.
- Carlovingian Empire, revival of the Empire in the West, 49; endeavor of Charles the Great to establish a "Holy Roman Empire," 114; its relations with the Papacy, 115, 116; gains influence under Charles the Great, 120; new barbarian invasions after accession of Lewis the Pious, 135; its weakness revealed on the death of Lewis II, 150; dissolution of, 152, 153; its transfer to the Germans, 156; its impotence in the transitional period, and the strife for the imperial crown in Italy, 170; referred to, 365, 366, 367.
- Carlovingians, the Empire under the, 99.
- Carroccio* of Milan, a car, surmounted with a cross and an image of St. Ambrose, serving as the palladium of the city, 291; sent to Rome by Frederick II, as an intimation to the Pope of his power, 345.
- Carthage, ambition of, 2.
- Cassiodorus, the Elder, a Roman statesman, aids Theodoric, 36, 37.
- Cassiodorus, the Younger, confidential adviser of Theodoric, chief of his chancellery, and historian of the time, 36; his estimate of qualities essential to a diplomatic agent, 39; his preservation of ancient formulas, 39; on the reception of ambassadors at the court of Theodoric the Goth, 40.
- Castile, its union with Leon, 391.
- Celestine II, Pope, referred to, 273.
- Celestine III, Pope, confers imperial crown on Henry VI, 309; secretly works against Emperor Henry VI, 311; strives to force Pisa into the Tuscan League by interdict, 313; death of, 313.
- Celestine IV, Pope, election of, 346; death of, 346.
- Celestine V, Pope, the pontificate of, 395.
- Chalcedon, ecumenical council at, 50.
- Champagne, House of, united with the French crown by marriage, 384; falls to Philip III of France, 392.
- Chancellery, French, its traditions begin in the reign of Philip IV, 394.
- "*Chargé d'affaires*," use of the term, 360.
- "Charlemagne," appellation given to Charles the Great by the French, 127.
- Charles of Anjou, is offered the Sicilian throne by Pope Urban IV, 350; is received by the Romans, who confer upon him the office of "Senator," 350; invades Sicilian territory and defeats Manfred in the battle of Grandella, 351; his promise to the Papacy in exchange for the Kingdom of Sicily, 351; his ambitions, 353; resumes senatorship of Rome and becomes master of Italy, 355; his death, 356; referred to, 390.



- Charles the Bald, Emperor, referred to, 129, 130; his strife with his brother, Lewis the German, 137, 138; regains his kingdom from Lewis, 139; influence in his favor at Rome, for the imperial succession, 147; receives the promise of Pope Adrian II not to freely accept another than the King of France as emperor, 147; his coronation as emperor, 148; his death, 151; his donation to the Papacy and bestowal of regalian rights over Rome upon the Holy See, 164.
- Charles the Fat, Emperor, aids his father, Lewis the German, in his efforts to secure the imperial succession, 146; becomes emperor, 151; pursues a weak policy with the invaders, 152; receives the crown of Lombardy at Pavia, 167; his overthrow and death, 152; referred to, 257.
- Charles the Great, Emperor, rise of the Empire of, 75; sent out to meet Pope Stephen II, 80; becomes joint king with Carloman, 88; puts away his wife Desiderata, 89; his descent into Italy, siege of Pavia, and visit to the Pope at Rome, 90; proclaimed "King of the Franks and Lombards, and Roman Patrician," 91; his wars and conquests, 91; his coronation as emperor, 95; significance of his coronation, 99; his views, 99; theory that his coronation was promised him by Pope Leo III in exchange for protection, 101; presents Pope Leo III with spoil taken from the Huns, 102; his strained relations with Pope Adrian I, 104, 105; presides over the Synod of Frankfort, 105; proposed marriage with Irene, 109, 110; legality of his election as emperor, 111, 112; his devotion to his mission and sense of responsibility as emperor, 113, 114; requires a new oath of allegiance from his subjects, 113, 114; extent of his empire, 117; organization of his empire, 118; relations and estrangement of Nicephorus I, 119, 120; receives the keys of the Holy Sepulchre and the City of Jerusalem, 120; receives cession of the Holy Places from Haroun-al-Raschid, 120; his relations with Egypt, Carthage, Africa, and Mussulman princes, 120; is honored by foreign princes, 120; interferes in Venice in behalf of Fortunatus, Archbishop of Grado, Obellerius, and Beatus, 122; provides for the division of the Empire between his sons, Charles, Pippin, and Lewis, 123; his views on the nature of the Empire, 124; his death and interment at Aachen, 126, 127; his wisdom in not imposing the same system of law throughout the Empire, 254, 255; referred to, 367.
- Charles, son of Charles the Great, is apportioned a part of the Empire, 123, 124; death of, 125.
- Charles II, King of Naples, referred to, 395.
- Charles, of Provence, inherits Provence from Lothair I, 137; death of, 143.
- Charles the Simple, King of France, referred to, 151, 171.
- Charles of Valois, offer of the crown of Aragon to, by Pope Martin IV, 393; his efforts to compose the quarrels of the "Blacks" and "Whites" at Florence, 398.
- Charter, The Great, referred to, 387. See also "Magna Charta."
- Charters, royal, granted to the cities by the kings, 371, 372.
- Chesterfield, Lord, his advice to his son, 297.
- Childeric III, King of the Franks, last of the Merovingian kings, 77; placed in a convent by Pippin, 77.
- Chivalry, growing spirit of, 272; fundamental principle of, 377; orders of, 378, 379.
- Chlodovech, see "Clovis," referred to, 52.
- Christ, Order of, formed in twelfth century, 378; Order of, its wealth enables Henry the Navigator to make expeditions of discovery, 378.
- Christian communities, growth of, 252; presided over by the pastors and bishops, 252.
- Christianity, in the Roman Empire, 19; rapid growth of, 20; influence of, upon the Empire, 21; identified with an official doctrine, 22.
- Christophorus, the Primicerius, or Secretary of State of Pope Paul I, his interference in the illegal papal election, 87, 88; blinding of, 88.
- Chrysostom, referred to, 267.
- Church, the Christian, organization of, in the West, 22; influence of the, 49; as a civilizing agency, 271; protection of crusaders by the, 369; jubilee of the, celebrated by Pope Boniface VIII, 397.
- Cicero, on the justice of Roman wars, 9; on the character of the Roman Senate, 11.
- Cimbrians, their invasion of the Roman Empire, 24.
- Cities, growth of, 371; royal charters granted by the kings to the, 371; of the Empire, referred to, 408, 409.
- Cities, Italian, emancipation of the, 251; under the Roman Empire, 251; under the Empire of Charles the Great, 254;

- transformation of the, 256, 257; political significance of, 258, 259; system of public instruction for the, 259; relations to the Empire and the Papacy of the, 263; general surrender to Frederick I of the, 289, 290; represented at the Congress of Venice, 298; the weakness of the, 308; war of Frederick II against the, 344, 345; union against Frederick II of the, 345.
- Cities, Lombard, influence of the Roman law on the, 260; independent attitude of the, 263; Bernard of Clairvaux composes difficulties of the, 267, 268; conflict of Frederick I with the, 276; division into two leagues, one under Milan against Frederick I, the other under Pavia in his favor, 287; friendly relations with Henry II of England of the, 383.
- Cities, Tuscan, difference in character from the Lombard cities of the, 261; revolt of the, 311.
- City, Greco-Latin conception of a, 7.
- City-states of Italy, internal condition of, 356.
- Civita-Vecchia, arrival there of Pope Innocent IV in his flight to France, 348.
- Claudius, conquest of Britain by, 3.
- Clemence, daughter of Rudolph of Hapsburg, referred to, 355.
- Clement II, Pope, set up by Henry III, 202; death of, 202.
- Clement III, Antipope, chosen by Synod at Brixen, 228; installed in Lateran Palace, 231; crowns Henry IV emperor, 231; abandons Rome on approach of the Normans, 232.
- Clement IV, Pope, proclaims against Manfred and invests Charles of Anjou with Sicily, 350; his death, 354.
- Clement V, Pope, election of, 403; consecration of, at Lyons, 404; loans to Edward II of England made by, 405; demand on Henry VII of, 416.
- "Clericis Laicos," the Bull, by Pope Boniface VIII, 398.
- Clermont, in Auvergne, reaffirmation and extension of the Truce of God, and proclamation of the first crusade, by council at, 236.
- Clothar II, King of the Franks, unites government of the Franks, and makes his son Dagobert King of Austrasia, 70; his death, 70.
- Clotilda, her marriage to Clovis, 52; her influence in conversion of Clovis, 52.
- Clovis I, the Great, King of the Franks, 37; drives the Alamanni to seek refuge in Italy, 38; his defection from Theodoric the Goth, 42; forms the Frankish state and extends its borders, 52; his marriage, conversion, and baptism, 52; is honored by the Eastern Emperor, 54; makes Paris his residence, 54; his death, 55.
- Cluny, the brotherhood of, 203; its influence, 203; referred to, 244.
- Coblentz, negotiations leading to the Treaty of Verdun at, 132; the Peace of, 139.
- "Code" of Justinian, 43, 44.
- Codification of the Roman law, 43, 44.
- Coelius, Mount, referred to, 281.
- College of Cardinals, the election of the Pope confided to the, 212.
- College of Fetials, origin of, 8.
- Colman, Bishop of Lindisfarne, his debate with Monk Wilfrid, 62.
- Coloni*, defined and described, 26.
- Colonna, powerful family at Rome, 356; persecution of the, 397; their vengeance against Boniface VIII, 401.
- Colonna, Sciarra, leads an attack upon Boniface VIII at Anagni, 401.
- "Commons," in England, assert themselves, 406.
- Communes, Italian, feudal origin of the, 255; not to be considered as examples of popular self-government, 260.
- Como, city of, is alienated from the league by Frederick I, 295.
- Concord, temple of, proposed by Caius Flavius, 12.
- Conrad I, Duke of Franconia, becomes King of Germany, 170; his task, 170; his death, 171.
- Conrad, son-in-law of Otto the Great, receives Franconia from Otto, 173.
- Conrad, the Red, rules over Lotharingia, 173; treats with Berengar and brings him to the court of Otto I, 178.
- Conrad II, the Elder, Emperor, his election as King of Germany, 196; his policy with the nobles, 197; receives the crown of Lombardy at Milan, 198; his coronation as emperor at Rome, 198; the consolidation of his power, 198; his death, 199; referred to, 255.
- Conrad, the Younger, candidate for kingship of Germany, 196, 197.
- Conrad, son of Emperor Henry IV, detached from his father's cause by Pope Urban II, and heads a revolt in Lombardy, 235.
- Conrad III, of Hohenstaufen, seeks kingship of Italy, 264; submits to Lothair II, and aids him in subduing the Papians, 268; his election as King of Germany and abandonment of Italy to

- the Papacy, 270; secures election and coronation of his little son Henry as his successor, and leads crusade, 270; finds rebellion in Germany on return from second crusade, 272; is asked to come to Rome and make it his capital, 274; is implored by Pope Eugenius III to rescue Rome from anarchy, 275; his death, 275.
- Conrad IV, son of Frederick II, 344; his defeat of Henry Raspe of Thuringia, 349; failure of his efforts to restore imperial authority in Italy, 350; his death, 350.
- Conradin, the boy, his brutal execution at Naples, 354; his fate avenged, 355.
- "Consolation of Philosophy" by Boethius, referred to, 43.
- "Consolato del Mare," its adoption by the Venetians as a maritime code, 362.
- Constance, Henry III exhorts the nation to peace at a diet at, 200; compact of Emperor Frederick I and Pope Eugenius III made at, 277; the Peace of, 303.
- Constance, of Sicily, her marriage to Henry VI, 305; her appeal to Pope Innocent III in behalf of her son Frederick II, 320; her death, 320.
- Constance, of Castile, her marriage to Louis VII strengthens his control, 384.
- Constans II, Emperor, strips Rome of ornaments and carries them away as spoil, 64.
- Constantine I, the Great, Emperor, his motives in issuing the Edict of Milan, 20; defends the Roman Empire from the barbarians, 25; the "donation of" to Pope Sylvester I, 128, 129.
- Constantine III, Emperor, ignores the Pope and raises the Bishopric of Rome to rank of patriarchate, 64.
- Constantine V, Emperor, his possessions threatened by the Lombards, 76.
- Constantine VI, Emperor, his betrothal to Rothrude, 102; his blinding and imprisonment, 105; his death, 107.
- Constantine VII, Porphyrogenitus, Emperor, referred to, 208.
- Constantine X, Monomachus, Emperor, receives ambassadors of Pope Leo IX in regard to presence of Normans in Italy, 206.
- Constantinople, founded by Constantine the Great, 16; the problems of, 45; ecumenical council at, 50; its conflict with Rome, 109; its large experience in diplomatic intercourse, 207; reception of ambassadors at, 207; weakened by the rise of the maritime cities of Italy, 322; besieged and reduced by crusaders, 323; retaken and the Greek Empire restored, 353, 354. See also Byzantium.
- Constitution of 824, the, 157, 158; violated in the election of Pope Leo IV, 160; its provision requiring imperial supervision of papal elections renounced by Charles the Bald, 164; its relation to the "privilegium of Otto I," 181.
- "Consuls," referred to concerning government of Tuscan and other cities, 261.
- Cordova, the Caliph of, repulses ambassadors of Otto the Great, 187.
- Coronation, imperial, description of ceremony at Rome, 218, 219, 220, 221.
- Corsi, powerful family at Rome, their palaces destroyed in the attack of Henry IV, 231; referred to, 265.
- Cortenuova, victory of, gives prestige to Frederick II, 345.
- Council of Nicæa, 20.
- Count Palatine, King's legal adviser and assessor, 56.
- Count Palatine of the Lateran, referred to in connection with coronation ceremony, 219, 220.
- Count Palatine of the Rhine, a member of the Electoral College of the Empire, 351.
- Credence, letters of, preserved by Cassiodorus the Younger, 39.
- Cremona, joins other cities in opposition to Milan, 264.
- Crescentius, powerful family at Rome; Duke of the Romans about 980 subdued by Otto II, 189; a second duke expels Gregory V and sets up John XVI as pope, 190; is decapitated, 190; a third member of this family exercises despotism at Rome, but is overthrown by the counts of Tusculum, 194.
- Crusaders, exempted from servitude and other obligations and protected by the Church, 369.
- Crusades, referred to, 234; the first crusade, 237, 238, 239; Conrad III leads in second, 270; failure of the second crusade under Conrad III, 272; fourth crusade, proclaimed by Innocent III, ends in the Latin conquest of the East, 322; preparation of Frederick II to lead a crusade, 337; the influence of the, 368; crusade to the Holy Land by Philip Augustus and Richard Cœur de Lion, 385.
- Curiales*, the middle class of property holders, who bore the burdens of taxation under the later Empire, 251, 252. See also *Decuriones*.
- Cyprus, King of, accords his vassalage to Henry VI, 310.

- DACIA, referred to, 121.
- Dagobert I, King of the Franks, made King of Austrasia by his father, Clothar II, 70; succeeds Clothar II, 70.
- Dalmatia, withstands attack of Frankish fleet, 125; detached from the Greek Empire, 233.
- Damasus II, Pope, set up by Henry III, 204.
- Damietta, its loss, by assault of the Saracens, attributed to neglect of Frederick II, 337.
- Dandolo, Henry, Doge of Venice, negotiates with crusaders for their transportation to the East, 323.
- Daniel, Bishop of Winchester, receives letter from St. Boniface, 72.
- Dante, his "De Monarchia," 412; his indignation against Florence, 413, 414; counsels Henry VII to attack Florence, 416; on the death of Henry VII, 417.
- Danube, the river, fortified against barbarian invasion, 26.
- "Débonnaire," appellation given to Lewis the Pious, 127.
- Decuriones*, as a class in the Roman Empire, 8; referred to, 251. See also *Curiales*.
- Dedititii*, defined and described, 26.
- "Delegate" or "legate," a papal representative, defined, 360.
- "De Monarchia," the, of Dante, 412.
- Demosthenes, his works referred to, 259.
- Denmark, its embassies to Otto the Great, 187; does homage to Lothair II, 268; asks protection or mediation of the Pope, 330.
- Desiderata, her marriage to Charles the Great, 88, 89.
- Desiderius, Duke of Tuscany, chosen King of the Lombards, 85; violates his promise to Pope Paul I, attacks Pentapolis and the dukes of Spoleto and Benevento, 86; makes an alliance with Pope Stephen III, 88.
- Diaconus, John, historian, theory of, that Pope Leo III promised Charles the Great the imperial crown in exchange for protection, 101.
- Dietrich, Cardinal, his opposition to Henry V in Germany, 244.
- "Digest" of Justinian, 43.
- Diocletian, Emperor, reforms of, 15, 16; reorganization of Empire by, 16.
- Diplomacy, the development of Italian, 308; its organization in Italy, 350; the field in Italy opened for, 356; becomes a system in Italy, 359; as practised by the Venetians, 359, 360, 361; the means of developing the national monarchies, 365.
- Diplomatic usages of the barbarian kings, 38, 39.
- "Doge," or duke, in Venice, 262.
- Dokkum, St. Boniface slain at, 82.
- Dominican Order, employed by Pope Gregory IX against Frederick II, 342.
- Drogo, natural son of Charles the Great, made Archbishop of Metz and Vicar of the Holy See by Lothair I, 134; calls synod to review contested election of popes, 160; confirms Sergius II, 160.
- Droit d'aubaine*, described, 370; modification of its severity, 370.
- Droit de cité*, accorded to persons dwelling outside city walls but under its protection, 372.
- EAST, the Latin conquest of the, 322.
- Eastern Emperor, relations of the Pope with the, 63; conflict of Pope Gregory II with the, 64; his endeavor to regain his Italian possessions held by Astolf, 84.
- Eastern Empire, its division of the Italian peninsula with the Lombards, 57; its loss of influence and reduced power under Nicephorus I, 120; its general decay and weakness, 322; its formal confiscation by the Venetians and crusaders, 323, 324; its restoration in the person of Michael VIII, Palaeologus, 354.
- Eastern Question, its origin in the permanent establishment of the Turk at Constantinople, 45.
- East Friesland, attempted journey of St. Boniface to, 82.
- East Goths, see Ostrogoths.
- Eckhard, of Meissen, provokes a quarrel between Bohemians and Poles, 189.
- Edict of Milan, 19, 20, 21.
- Edward, Prince of Wales, afterward Edward I of England, required to renounce all claims to Normandy, Anjou, Maine, Touraine, and Poitou, 388.
- Edward I, King of England, called the "English Justinian," 376; carries to completion Anglo-Saxon ideas regarding English law, 376; cited to appear in France, 394; marries Margaret, sister of Philip IV, 394; outlaws the clergy who refuse to pay taxes to the crown, 398; appeals to Parliament against authority of the Pope, 401.
- Edward II, King of England, loans made by Pope Clement V to, 405.



- Egbert, Count of Brunswick, aids in conspiracy to capture young Henry IV, 215.
- Egidius, Roman general, founds an independent kingdom in Gaul, 31; referred to, 35.
- Egypt, its friendly alliance with Charles the Great, 103.
- Eleanor, Queen of Aquitaine, her marriage to Henry Plantagenet, 382, 383; her death, 386.
- Electoral College of the Empire, first stages of its formation, 196; its composition, 351.
- Eleutheria, Palace of, imprisonment of Empress Irene in the, 105.
- Elsass, territory promised to Lewis the German by Lothair II, 142.
- Embassy, requirements of an, according to Cassiodorus the Younger, 89.
- Emperor, see Roman Emperor.
- Empire, see Roman Empire, Eastern Empire, Carolingian Empire, Holy Roman Empire of the German Nation.
- Engelberga, Empress, takes up the cause of Lothair's divorce, 144; her schemes to increase the power of the Emperor, 146, 147.
- England, placed under vassalage to the Empire by Richard Coeur de Lion, 310; appealed to by Pope Gregory IX to aid in invading Sicily, 338; repudiates the Roman law, 375, 376; formation of the orders of St. George and the Garter in, 378, 379; its conquest by William, Duke of Normandy, 381; its dispute with France, 382; its *entente* with France, 384; its disordered state, 387.
- "English Justinian," appellation given to Edward I, King of England, 376.
- "Envoy," use of, and distinctions in regard to, the word, 359, 360.
- Envoys, their functions and duties described, as required by the Venetians, 359, 360, 361. See also Ambassadors.
- Ephesus, ecumenical council at, 50.
- Equestrian order, under the Roman Empire, 8.
- Ernest of Suabia, subdued by his father-in-law, Emperor Conrad II, 198.
- Ethelbert, King of Kent, converted by Augustine and his monks, 62.
- Eudes, Count, requests intervention of Lewis the German to end the tyranny of Charles the Bald, 138; saves Paris from invaders, 152; is crowned King of France, 152, 153.
- Eugenius, a rhetorician, set up as Roman Emperor by Arbogastes, 29.
- Eugenius II, Pope, negotiates with Lothair I concerning imperial jurisdiction over Rome, 158; signs the "Constitution of 824," 158.
- Eugenius III, Pope, referred to, 273; his flight to Viterbo, 274; his treaty with the Romans accepting the commune and recognizing the Senate, 275; his second flight from Rome and appeal to Conrad III to put down anarchy, 275; his compact with Frederick I and *modus vivendi* with the Romans, 276; his death, 277.
- Euric, King of the Visigoths in Spain, 32, 34.
- Europe, under the Roman Empire, 1; the unity of, 1; reunification of, by the Church, 59.
- Exarch of Ravenna, efforts to assert the claims of the Eastern Empire in Italy of the, 45.
- FAMILY of nations, idea of, 42.
- "*Faubourg*," derivation of the word, 372.
- "*Faustrecht*," or "fist law," referred to, 200.
- "*Faux bourgeois*," derivation of the term, 372.
- Ferdinand of Castile, brother-in-law of Philip III of France, referred to, 392.
- Ferdinand the Catholic, grandmaster of all the Spanish orders, 378; with Isabella, aids in conquest of Grenada and the Moors by the Spanish orders of Chivalry, 378.
- Fetials, see College of Fetials.
- Feudal evolution, the, 367.
- Feudalism, early tendencies toward, 58; under Charles the Great, 122; development of, in the Empire, 135, 136; its spread throughout the national monarchies, 365, 366, 367, 368.
- Feudality, tendency in the Empire of Charles the Great toward, 122.
- "Field of Lies, The," referred to in connection with the action of the Papacy during the strife between Lewis the Pious and his sons, 130.
- Fiorentino, death of Frederick II near, 349.
- Flanders, Duchy of, referred to, 380; Count of, combines with others against Philip Augustus of France, 386; comes under Philip Augustus of France, 387; wish of Philip IV of France to conquer, 393.
- Florence, referred to, 261; Consul of, a member of the parliament at St. Genesio which formed the Tuscan League, 312;

- chief of the Tuscan League, 321; its increasing strength, and its opposition to Pope Innocent III, 321; skilful in methods of diplomacy, 359; besieged by Henry VII, 416.
- Flotte, Peter, adviser of Philip IV of France, 393.
- "Fodrum," contribution of forage for army, 285; attempt to impose it as a permanent tax on Tuscany by Henry VI, 311.
- Foederati*, defined and described, 27, 28.
- Fontenoy, battle of, 131.
- Forchheim, diet at, chooses Rudolf of Suabia as King of Germany, 226.
- "Forest Cantons," of Switzerland, 409; their confederation, 410.
- Formosus, Pope, as Bishop, allies himself with Carloman, son of Lewis the German, and others, against Pope John VIII, 166; crowns Arnulf emperor, 170; his remains disinterred, mutilated, and cast into the Tiber, 177.
- Fortunatus, Archbishop of Grado, his appeal to Charles the Great and transfer to another episcopate, 122.
- "Fragmentum Fantuzzianum," 80, 81, 82.
- France, the territory assigned to Charles the Bald by the Treaty of Verdun, 133; rescued by the bishops, 138; appealed to by Pope Gregory IX to aid in invading Sicily, 338; the beginnings of, 380; progress of the French monarchy, 383; its *entente* with England, 384; fall of the Angevin power in, 385; its relations with the Spanish peninsula under Philip III, 390; its relations with the Papacy, 399.
- Franche-Comté, referred to, 407.
- Francia, referred to, 380.
- Franconia, the House of, its succession on death of Henry II, 196.
- "Franks," referred to by Louis X of France as signifying "free," 373.
- Frangipani, family of, referred to, 265.
- Frankfort, synod of, 105; general peace proclaimed at, 270; Frederick II chosen King of Germany at, 332; Henry, son of Frederick II, chosen "King of the Romans" at, 333.
- Frankish monarchy, internal development of, 55.
- Franks, the, as Roman *coloni*, 26; become infeated with the Roman Empire, 28; abandon their alliance with the Roman Empire, 31; kingdom of, 35; eagerness to extend their borders, 38; original home of, 51; the mission of, 55.
- "*Fratres nostri*," use of the term, 360.
- Frederick, Archbishop of Köln, his letters to the Milanese and the Catholic Church, 263.
- Frederick I, Duke of Suabia, called "Barbarossa," Emperor; his conflict with the Lombard cities, 276; his election as King of Germany, 276; his compact with Pope Eugenius III, 276; asked by the Roman republicans to accept the Empire by their election, 277; preliminary negotiations to his coronation, 279; his reply to the delegation of Roman senators, 280; his coronation by Pope Adrian IV, 281; his projects, 281; his conflicting claims with Pope Adrian IV, 285; his appeal to Roman law to justify his course, 287; declared deposed by Pope Alexander III, 291, 292; drives Alexander from Rome, signs a treaty with the Romans, and sets up an antipope, Paschal III, 292; opens new negotiations with Alexander III, 294; his diplomacy of obstruction, 294; his surrender, 300; gains friends and serves the Church, 303; close of his reign, 304; referred to, 309.
- Frederick II, Emperor, chosen "King of the Romans," 310; committed by his mother Constance to Pope Innocent III, 320; received as King of Sicily, 320; a vassal of the Papacy, 326; his rights in Sicily ignored by Otto IV, 328, 329; invited to become King of Germany, 329; his attitude toward the Papacy, 331; chosen King of Germany at Frankfort, 332; his coronation as emperor, 333; the grounds of his policy, 334; his characteristics, 334; his plan of organization, 335; his rupture with the Papacy, 336; makes excuses when ordered by the Pope to lead a crusade, 337; his marriage with Isabella, daughter of John of Brienne, 337; proclaims himself "King of Jerusalem," 337; embarks for the East but returns and is excommunicated by the Pope, 338; his reply to the papal ban, and hostility to the Pope, 338; his final departure for the East, pursued with the curse of the Pope, 338; his negotiations with the Saracens, 339; his treaty with the Saracens, 340; asks the Pope for absolution, 340; his coronation as "King of Jerusalem," 341; returns to Italy and restores order, 342; his war against the Italian cities, 344, 345; ceases hostilities on hearing of the death of Pope Gregory IX, 346; his negotiations with Pope Innocent IV for peace, 347; his deposition, 348; appeals to the princes of Europe in his struggle with Innocent IV, 348, 349; his misfortunes and defeats, 349; his death, 349; referred

- to as having founded the University of Naples, 374; referred to, 386; referred to as having granted charters to the three "Forest Cantons" of Switzerland, 410.
- Frederick of Hohenstaufen, brother of Conrad III, supports Conrad for the kingship of Italy, 264.
- Frederick of Lotharingia, sent as legate to Eastern Emperor by Pope Leo IX, 206; is made pope as Stephen IX, 211.
- French language, formation of, 132.
- Frisians, protection of ambassadors in the code of the, 40.
- Friuli, Duke of, causes discord in Italy, 162.
- Fulda, burial of St. Boniface at, 82; monastery of, bestowed upon Benedict VIII by Henry II, 196.
- GAETANI, family in power at Rome, 356; Cardinal, causes the abdication of Pope Celestine V, and becomes pope as Boniface VIII, 396.
- Gaius, Roman juriconsult, referred to, 13; the "Institutes" of, 43.
- Galicia, referred to, 120.
- Gallican Church, liberties of, founded by Louis IX, of France, 390.
- Galliensis, castle of, taken by the Duke of Spoleto, 68.
- Gallo-Roman population, its reverence for royal and imperial authority, 56.
- Gandersheim, monastery of, referred to, 175.
- Garther, order of, formed in England, 373, 379.
- Gascony, referred to, 388.
- Gaul, defence of, by Augustus, 3; domains in, received as legacies by Gregory I, 60; supremacy of the Papacy acknowledged in, 74.
- Gelasius II, Pope, leaves Rome, in fear of Henry V and seeks refuge in France, 244; his death at Cluny, 244.
- Geneva, assembly of the Franks at, declares war against Desiderius, 90; Bishopric of, ceded to Lewis II by Lothair II, 141.
- Genoa, attached to the cause of Henry VI, 309; its maritime importance, 322; its maritime rivalry and wars with Venice, 324, 325.
- Genseric, King of the Vandals, 30; carries the spoils of Rome to Carthage, 31; referred to, 32, 34.
- Gentilis, Albericus, juriconsult, referred to, 13.
- Gepides, the, take the place of the Huns, 31.
- Gerard of Pesta, speaks for the cities at the Congress of Venice, 299.
- Gerberge, niece of Otto the Great, made Abbess of Gandersheim, 175.
- Gerbert of Aurillac, made pope, as Sylvester II, by Otto III, 190.
- Gerhard, Bishop of Florence, chosen pope as Nicholas II, 212.
- German kings, compared with the Capetian dynasty, 381.
- German language, formation of, 132.
- Germans, the, original home and organization of, 23; infiltration of, in the Roman Empire, 23; government of the Roman Empire controlled by, 28.
- Germany, work of St. Boniface and missionaries for the conversion of, 71; supremacy of the Papacy acknowledged in, 74; corresponding to the territory assigned to Lewis the German by the Treaty of Verdun, 133; state of, in 888, 169; the building of the German nation, 169; confusion and anarchy in, 171; strengthened by the union of the Franconians with the Saxons, 171; its protest against the cosmopolitan policy of Otto III, 192; civil war in, 225; its divided state at the time of Innocent III, 320; ten years' war between Philip II and Otto IV in, 320; the contest in, and the coronation of Otto IV, 327; practically without a king and a prey to feudalism, 353; Germany and the Empire, 407.
- Gero, Count, assigned to rule over Saxony jointly with Count Hermann Billung, 173.
- Ghibelline and Guef, 269; effect of their strife on the cities, 308.
- Gifts to ambassadors, 40.
- Glarus, its accession to the Swiss league, 411.
- "God, Vicar of" referred to, 314.
- Godfred, Danish chief, extorts concessions from Charles the Fat, 152.
- Godfrey, the "Bearded," Duke of Lower Lotharingia; his enmity to Henry III, 211; his marriage with Beatrice, mother of Countess Matilda, 211; becomes an Italian magnate, 211; proposes armistice to settle question between the popes Alexander II and Honorius II, 214.
- Godfrey de Bouillon, directs the composition of the Assizes of Jerusalem, 272.
- Godschalk, Duke of Benevento, referred to, 69.
- "Golden Bull of Eger," the, 332.

- Gondobad, King of the Burgundians in Gaul, 32; referred to, 33.
- Görtz, Abbot of, sent by Pippin to conduct Pope Stephen II to the Frankish kingdom, 79.
- Goths, original habitation of the, 23; as Roman *coloni*, 26; received as *foederati* of the Roman Empire, 28; invade the Empire, 29; adherents of the Arian faith, 29. See also Ostrogoths and Visigoths.
- Grandella, battle of, 351.
- Gratian of Bologna, referred to, 246.
- Great Britain, becomes a Roman province, 3; converted to the Catholic faith, 62; supremacy of the Papacy acknowledged in, 74; invaded by various peoples, 381; the Norman conquest of, 381; its insular character, 381.
- Gregocastis, nature and history of the, 11, 12.
- Greece, city-states of, referred to, 357.
- Greek Empire, see Eastern Empire.
- Gregory, Cardinal-deacon of St. Angelo, chosen pope as Innocent II, 265.
- Gregory of Tours, his account of the conversion of Clovis, 52.
- Gregory I, the Great, Pope, his mission to the East and sojourn at Constantinople, 60; his election as pope, 60; his exorcism of the plague at Rome, 60; his administration and reforms at Rome, 60; his correspondence with the Eastern Emperor and others outside the ecclesiastics, 60.
- Gregory II, Pope, his conflict with Emperor Leo III, 65; his restraint upon Liutprand and appeal to Venice for aid, 65; his appearance in the camp of Liutprand, 66; his punishment of Tiberius Petassius, 66.
- Gregory III, Pope, his independence, 67; his letters to Emperor concerning sacred images, 67; encourages art and decorates the churches at Rome, 67; restores the city walls, 67; his policy, 68; sends the keys of St. Peter's tomb to Charles Martel, 70; his death, 75.
- Gregory IV, Pope, aids in the abasement of Lewis the Pious, 130; his death, 159.
- Gregory V, Pope, crowns Otto III emperor, 190; is expelled by Crescentius, 190; his death, 190.
- Gregory VI, Pope, purchases the Papacy from Benedict IX, 202.
- Gregory VII, Hildebrand, Pope, his election, 215; his attitude, 217; receives Henry IV at Canossa and grants him absolution, 223, 224; his administration, 224; his embarrassment and loss of influence in Ger-
- many, 226, 227; letter from the Saxons complaining of his double policy in regard to Henry IV and Rudolf, 227; revokes the ban from Robert Guiscard and makes an alliance, 229; his deliverance from the attack of Henry IV by Robert Guiscard, 231, 232; his exile and death, 232; extent of his pretensions, 233; breadth of his policy, 234. See also Hildebrand.
- Gregory VIII, Antipope, set up by Henry V and excommunicated by Calixtus II, 245.
- Gregory IX, Pope, his accession, 338; orders Frederick II to lead a crusade, 338; his battle with Frederick, 338; obliged to flee from Rome, 338; refuses his blessing and follows Frederick with his curse, 338; attempts to invade Sicily, 338, 339; his death, 346.
- Gregory X, Pope, referred to, 354.
- Grenada, conquest of, referred to, 378.
- Grotius, Hugo, jurist, referred to, 13; concerning the legality of the election of Charles the Great, 111, 112.
- Guelf and Ghibelline, 269; effect of their strife on the cities, 308.
- Guelf ideal of Italian politics, 318.
- Guerra, Count Guido, enters the Tuscan League, 313.
- Guido of Spoleto, referred to as contestant for the imperial crown, 170.
- Guiscard, Robert, (Duke of Apulia, becomes a vassal of the Pope, 213; is excommunicated by Pope Gregory VII, 218; promises assistance to Gregory, 229; responds to Gregory's appeal and goes to his rescue at Rome, 232.
- Gunpowder, influence of its invention upon the character of warfare, 373.
- Guyenne, title of Duke of, given to Henry III of England, 388; wish of Philip IV to dispossess the King of England of, 393.
- HAGENAU, referred to, 332.
- Hamburg, Archbishop of, his jurisdiction over the sees of Aarhus, Ripen, and Schleswig, in the Danish march, 174.
- Hanseatic League, the, the beginning of, in 1259, 353.
- Haroun-al-Raschid, his cession of the Holy Places to Charles the Great, 120.
- Havelberg, Bishopric of, referred to, 174; pillaged by the Slavs in the absence of Otto II, 189.
- Henry of Bavaria, brother of Otto the Great, receives the Duchy of Bavaria from Otto, 173.



- Henry of Bavaria, the Quarrelsome, subdued by Otto II, 188; restored to his duchy in Bavaria, 189.
- Henry of Brunswick, son of Henry the Lion; his hostility to Henry VI, 309, 310.
- Henry of Carinthia, King of Bohemia, referred to, 411.
- Henry I, the Fowler, Duke of the Saxons; his election as King of Germany, 171; his policy to strengthen Germany, 171, 172; his death, 172.
- Henry II, Emperor, the reign of, 195; his alliance with Robert of France, 196; his convention with Rudolf III of Burgundy, 196; his bestowal upon Pope Benedict VIII of the monastery of Fulda and lands in Italy, 196; his death, 196.
- Henry III, Emperor, his kingship in Germany, 199; his marriage to the daughter of William of Aquitaine, 200; his efforts for peace, 200; his work in Italy, 202; sets up Clement II as pope, by whom he is crowned emperor, 202; his relation to the doctrines of Cluny, 204; his death, 210.
- Henry IV, Emperor, crowned King of Germany when but a child of six years, 210; abducted by Anno, Archbishop of Köln and others, 215; his opposition to Gregory VII and attempt to depose him, 222; his humiliation and pilgrimage to Canossa, 223; his campaign against Gregory VII in Italy, 228; defeated in battle by Rudolf of Suabia, 229; his attack on Rome, 229; his negotiations with the Romans, 230; his coronation and triumph, 231; abandons Rome on the approach of the Norman army under Robert Guiscard, 232; defeated at Canossa, 234; his fall, 234; his imprisonment, abdication, and death, 235; referred to, 258.
- Henry V, Emperor, as King of Germany reasserts the rights of investiture, 239; goes to Italy and negotiates with Pope Paschal II, 239, 240; his coronation as emperor, 241; his extortion of the imperial crown, 242; tragic scene in St. Peter's Church during the coronation, the Pope and cardinals made prisoners, 242; is excommunicated, 245; claims fiefs of the Empire held by the Countess Matilda, 247; his death, 247; his evasive course with reference to the Lombard cities, 264; his death affords Milan an opportunity for rebellion, 264.
- Henry VI, Emperor, his marriage with Constance of Sicily, 305; his plans for a world-monarchy, 309; obtains the imperial crown from Pope Celestine III, 309; plans the conquest of the East, 310, 311; his death, 311; referred to as having imposed a feudal monarchy upon Italy, 318.
- Henry VII, of Luxemburg, Emperor, referred to, 350; chosen "King of the Romans," 408; his aspirations, 411; his expedition into Italy, 413; receives the iron crown at Milan, 413; at Rome, 414; his coronation, 415; his last struggles, 416; marches against Florence, 416; plans a campaign against Naples, 417; his death, 417.
- Henry II, King of England, recognizes his subordination to Frederick I, 282; the penance imposed by Pope Alexander III, 302; the advance of English law under the reign of, 376; his possessions on the continent, 382; his peculiar position with reference to the King of France, 383; his homage to Philip Augustus, 385; his death, 383, 385.
- Henry III, King of England, endeavors to reconquer continental possessions, 387; negotiates the treaty of peace of 1259 with Louis IX, 387, 388; becomes a peer of France with title of "Duke of Guyenne," 388; swears allegiance to the King of France, 388.
- Henry VIII, King of England, the rejection of Roman law in the reign of, 376.
- Henry I, King of France, his treaty of friendship with Emperor Conrad II, 199.
- Henry, of Germany, son of Emperor Conrad II, crowned King of Germany, 198.
- Henry, younger son of Emperor Henry IV, crowned at Aachen after the deposition of Conrad, abandons his father's cause, 235.
- Henry, little son of Conrad III, crowned as his successor, 270; death of, 276.
- Henry I, King of Navarre, death of, 392.
- Henry the Navigator, derives means to make expeditions of discovery from the wealth of the Order of Christ, 378.
- Henry the Proud, head of the House of Welf, his vast estates, 269; his hostility to the family of Hohenstaufen, 269.
- Henry the Lion, Duke of Saxony, is granted a renewed title to the Duchy of Bavaria, 282; refuses aid to Frederick I, 295; his friendly relations with Henry II of England, 383.
- Henry, son of Frederick II, crowned "King of Sicily," 332; crowned "King of the Romans," 333.
- Hercules, the club of, 280.

- Hermann of Salza, Grandmaster of the Teutonic Order, urges a crusade on the German princes, 337; testifies in favor of Frederick II and his campaign in the East, 341; mediates with Pope Gregory IX on behalf of Frederick II, 342, 343; death of, 346.
- Hermenfrid, King of the Thuringians, marries Amalberga, 37.
- Hermengarde, wife of Lewis the Pious, death of, 129.
- Herulians, the, take the place of the Huns, 31.
- Hildebrand, Count of Aldobrandesca, enters the Tuscan League, 313.
- Hildebrand, King of the Lombards, deposition of, 78.
- Hildebrand, monk, follows Pope Gregory VI into exile, 204; his rise, 210; becomes pope as Gregory VII, 215; referred to, 267. See also Gregory VII.
- Hinemar, Archbishop of Reims, convokes meeting of French bishops at Quierzy, in the interest of Charles the Bald, 138; his policy, 141, 142; restored to favor by Charles the Bald, 145; defends the occupation of Lotharingia by Charles the Bald, 145.
- Hohenstaufen family of Suabia, opposes the crowning of Lothair of Supplinburg as King of Germany, 264; opposed by the House of Welf, 269.
- Honorius, Emperor, rules over the West, 16; driven from Milan by Alaric, 30; negotiates with Astolf, 30.
- Honorius II, Antipope, set up by a council at Basel, in opposition to Alexander II, 214.
- Honorius III, Pope, his accession, 332; his alarm at the action of Frederick II, 333; demands that Frederick lead a crusade and threatens excommunication, 337; death of, 337, 338.
- Holy Land, the, military orders founded in, 271.
- Holy Places, the, placed under interdict by the Patriarch of Jerusalem, to nullify the victory of Frederick II, 341. See also Crusades.
- Holy Republic, referred to, 157.
- Holy Roman Empire of the German Nation, the, referred to, 116; transfer of the Empire from the Carolingians to the Germans, 156; its restoration by the Germans, 177; condition of, at the death of Otto the Great, 188; conflict of, with the Papacy, 194; the abasement of, 194; the rebuilding of, 195; the theory of, 216; as opposed to, or in contradistinction to, the rights and prerogatives of the Caesars, as embodied in old imperial Roman law, 221; referred to, 250; the relation of, to the Papacy at the time of Innocent III, 319; the supreme struggle for, 331; the opposing ideas of, to the Papacy, as held by Frederick II, 343, 344; as an institution, becomes an anachronism, due to the rise of local sovereignties, 349; the Electoral College of, 351; the relation of, to Germany, 407; the free cities of, 408, 409.
- Holy Sepulchre, the, keys of, sent to Charles the Great, 120; Gregory VII wishes to aid in rescue from the Infidels of, 234. See also Crusades and Holy Places.
- Hugh of Cluny, obtains promise of obedience to the Papacy from Henry IV, 223.
- Hugo, learned doctor of Bologna, counsels Frederick I, 288.
- Humbert, Cardinal, sent as legate to the Eastern Emperor by Pope Leo IX, 206; his discourteous manner, 206.
- Hungary, referred to as sending embassies to Otto the Great, 187; claimed by Gregory VII as a vassal, 233; submits disputes to the arbitration of Lothair II, 268; asks protection or mediation of the Pope, 330.
- Huns, the, invasion of the Roman Empire by, 29; plunder of the East by, 30.
- ILLYRICUM, subjugation of, 3.
- Imperator*, title of, 3.
- Imperial charters, the, 257; character of, 258.
- Imperial crown, the, extortion of, by Henry V, 242. See also Coronation.
- Imperial idea, the, 33; the key to European diplomacy, 34; its domination from the fall of the Roman Empire to the rise of the Italian communes, 257.
- Imperial office, the, significance of, 218.
- Imperial power, origin of, 3; extent of, 4; how obtained, 14.
- Imperium*, origin of, 3; division of its power by Diocletian, 16; essential indivisibility of, 16; the Roman, as a model for modern imitation, 34.
- Ingeborg, sister of Canute VI of Denmark, put away by her husband, Philip of France, 329; restored to her place, 330.
- Ingunthis, daughter of Queen Brunhildis, rescues Spain from the Arian heresy, 61.
- Innocent II, Pope, his election, 265; driven from Rome and joins forces with Lothair II, 265; causes a significant painting to be made, 266; calls

- a council to depose Anacletus, 266; forms an alliance with Roger of Sicily, 272; his death, 273.
- Innocent III, Pope, his accession, 313; his theory of the Papacy, 314; his attitude toward the Tuscan League, 315; his negotiations between Pisa and the Tuscan League, 316; his consolidation of papal power, 317; his persistent endeavor to subordinate the Emperor, 319; his Italian diplomacy, 320; his relation to the fourth crusade, 322; his religious sincerity, 322; his disappointment with the result of the fourth crusade and denunciation of the adventurers, 324; as arbiter of the Empire, 325; his decision against Philip and in favor of Otto, 326; his rupture with Otto IV, 327; his triumphs, 329; his statesmanship considered, 330, 331; his support obtains for Frederick II recognition as king in Germany, 332; is succeeded by Honorius III, 332.
- Innocent IV, Pope, is congratulated upon his accession by Frederick II, 347; his negotiations for peace with Frederick and demand for restoration of lands taken from the Holy See, 347; his flight to Lyons, 348; calls a council and deposes Frederick II, 348.
- "Institutes," the, of Justinian, 43; of Gaius, 43.
- Instructions, diplomatic, in the time of the barbarian kings, 39.
- Intellectual *renaissance* in the twelfth century, 245, 246.
- International law, relation of, to the Roman law, 13, 44.
- International relations of the barbarian kingdoms, 41.
- "*Internuntio*," use of the term, 360.
- "*Interregnum*, the Great," the period of, 350.
- Investiture, the controversy over, 221; the rights of, again at issue between Henry V and Pope Paschal II, 239, 240; the question of, as dealt with by Pope Calixtus II, 244, 245.
- Invisible Empire, the, 92.
- Iona, the monks of, 62.
- Ireland, missionary movement emanating from, 61; story that Pope Adrian IV authorized its conquest, referred to, 287; placed in vassalage to the Pope, 330; referred to, 381, 382, 383.
- Irene, Eastern Empress, her regency over Constantine VI, 103; her attempt to form an alliance with Charles the Great, 103; her promise to Pope Adrian I to recognize his primacy in the East, 104; abandons her alliance with Charles the Great and turns against her son, 104, 105; proposed marriage with Charles the Great, 109, 110; her dethronement, exile, and death, 110.
- Irene, daughter of Eastern Emperor Isaac Angelus, her marriage to Philip, brother of Henry VI, 310.
- Irnerius, professor of law at Bologna, deals with the question of investiture, 246; has but few disciples in England, where Roman law was repudiated, 376.
- Isabella, daughter of John of Brienne, marries Frederick II, 337.
- Isabella of Spain, referred to, 378.
- Isiaslav, pretender to the throne of Kiev, granted right to rule in the name of St. Peter by Gregory VII, 234.
- Istria, retained by Byzantium, 125.
- Italian solidarity, neither understood nor thought possible, 359.
- Italy, state of, after the Lombard occupation, 58; domains in, received by Gregory I as legacies, 60; state of, before the transfer of the Empire to the Germans, 156; royalty in, assigned to Lewis II by Lothair I, 159; the field of discordant elements, 162; state of, under the phantom emperors, 176; kingdom, set up in, by Ardoïn, Marquis of Ivrea, 194; awakening of civic consciousness in, 250; general confusion in, 264; abandoned to the Papacy after the election of Conrad III of Germany, 270; organization of diplomacy in, 350; expulsion of the French from, 355; development of the local sovereignty of the commonwealths of, possible after the expulsion of the French, 356; a laboratory of governmental schemes and devices, 357; expedients for external security of, 357; diplomacy becomes a system in, 359; the equilibrium of, 361; its statesmanship the guide of Europe in the later creation of national states, 362; deprived of "Peter's pence" by French influence, 405; expedition of Henry VII into, 413; its opposition to the new emperor, 413.
- Ivo of Chartres, referred to, 246.
- Ivry, treaty of friendship between the kings of England and France signed at, 384.
- JACOBUS, learned doctor of Bologna, counsels Frederick I, 288.
- Jasomirgott, Henry, receives the Duchy of Austria, 282.
- Jeanne, Princess, daughter of Henry King of Navarre, affianced to the son of Philip III of France, 392.

- Jeanne of Toulouse, her taking of the Venaissin from the Papacy, 392; her death, 392.
- Jerusalem, an original patriarchate, 22; in the hands of the Mussulmans, 63; the Patriarch of, sends the keys of the Holy Sepulchre and the keys and standard of the city to Charles the Great, 120; taken by the crusaders, 239; the Latin kingdom begun at, 239; the Assizes of, 272; restored to the Christians, 340; placed under interdict to nullify the victory of Frederick II, 341.
- John of Brienne, his claims disregarded by Frederick II, 337; aids the Pope in invading Sicily, 339; driven from Sicily, 342.
- John of Anjou, called "Lackland," King of England, loses the battle of Bouvines, 329; surrenders his crown to papal legate, to receive it again as a vassal of Pope Innocent III, 330; condemns Magna Charta, 331; receives the Continental lands of Richard Cœur de Lion, as a vassal of Philip Augustus of France, 385; succeeds to the throne of England in 1199, 385; summoned to appear in France to answer charges, 385; loses his possessions on the continent, 386; his coalition against Philip Augustus of France, 386.
- John of Luxemburg, son of Henry VII, placed on the throne of Bohemia, 411.
- John VIII, Pope, negotiates with Charles the Bald in regard to the imperial succession, 148; establishes a precedent that the imperial crown is the gift of the Roman Pontiff, 163; his efforts to dispose of the Empire and choose an emperor, 164, 165, 166; warns Charles the Fat not to come to Rome, 167, 168; confers the imperial crown upon Charles the Fat, 168; his relations with the Eastern Empire, 168; his assassination, 170.
- John XI, Pope, established by the intrigue of his mother, Marozia, 177.
- John XII, Pope, formerly Octavian, ruler of Rome, his accession, 177; his compact with Otto I, 179; his death, 182.
- John XIII, Pope, dominated by Otto I, crowns Otto's son emperor, 183.
- John XVI, Antipope, set up by Crescentius, captured by Otto III, blinded and mutilated, 190.
- John XIX, Pope, bestows the imperial diadem on Conrad II, 198; referred to, 201.
- John III, of Portugal, referred to as Grandmaster of all Portuguese orders, 378.
- John of Salisbury, a fellow countryman of Pope Adrian IV, referred to, 287.
- Joppa, referred to, 340.
- Jordano, pretender to the throne of Sicily, crowned with hot iron, 311.
- Jubilee of the Church, the first, celebrated by Pope Boniface VIII in 1300, 397.
- Judith, daughter of Welf, Count of Altdorf in Suabia, marries Lewis the Pious, 129.
- "Jugemens d'Oléron," referred to, 363.
- Julian, Emperor, opposes Christianity and endeavors to restore paganism, 21; defends the Roman Empire from the barbarians, 28.
- Jus civile*, nature of, 13.
- Jus fetiale*, nature of, 8.
- Jus gentium*, nature and history of, 12, 14.
- Jus naturae*, meaning of, 13.
- Justin I, Eastern Emperor, obtains the throne, 42.
- Justinian I, Eastern Emperor, attempts to renew the Roman Empire in the West, 42; his wars prove the vitality of the imperial conception, 43; codification of the Roman law by, 43, 44; establishes the Lombards in Noricum, 57; the law books of, referred to, 259; the Code of, referred to, 369.
- Justinian II, Eastern Emperor, attempts ill treatment of Pope Sergius, 64; referred to, 208.
- Juvenal, his works referred to, 259.
- "Karl der Grosse," appellation given to Charles the Great by the Germans, 127.
- Kiev, the throne of, referred to, 234.
- Kingdoms, the mediaeval, 365; expansion of the, 380.
- Kings, their grants of municipal charters to the cities, 371, 372; their eagerness to utilize the movement of popular enfranchisement, 372; their encouragement of the universities, 374; they make friends of the teachers and lawyers, 375; their close union with the people, 377; their relations with the nobility, 377; their relations with the Papacy, 379.
- "King's men," class known as, 370; referred to, 372; greater freedom opened to the, 373.
- Kneeling and prostration of ambassadors, 41.
- Knights of St. John, referred to, 271.
- Knights of the Temple, referred to, 271.
- Köln, Archbishop of, a member of the Electoral College of the Empire, 351.



- Krum, Khan of Bulgaria, causes the head of Nicephorus I to be sent to him, 126.
- "LACKLAND," name given to King John of England, brother of Richard Coeur de Lion, 386.
- "Lake of the Four Cantons," appellation given to the Lake of Lucerne, 409.
- Lambert, Duke of Spoleto, candidate for imperial honor, 165; referred to, 170.
- Lambert, Bishop of Ostia, represents Pope Calixtus II at the Council of Worms, 246.
- Lateran palace, the residence of the popes at Rome; council called in the, by Stephen III to provide for legal papal elections, 88; the *triclinium* in the, decorated by Pope Leo III with a significant group in mosaic, 102; synod in 1112 in the, reaffirms against lay investiture and declares the concessions made by Pope Paschal II to Henry V as void, 243; council in 1139 in the, annuls the acts of Anacletus II and reaffirms the Truce of God, 271; Emperor Henry VII crowned in the, 415.
- "Latin Empire of the East," the, and the expansion of Venice, 324; its decline and fall, 353.
- Lausanne, Bishopric of, ceded to Lewis II by Lothair II, 141; Henry VII takes an oath at, to respect papal rights, 413.
- Law of nations, relations of, to the Roman law, 13, 44.
- Law, schools of, and the study of, 246; the advance of English law under Henry II and Edward I, and its opposition to the Roman law, 375, 376. See also Roman law.
- "Legate," use of the term, 360.
- "*Legati a latere*," use of the term, 360.
- "*Legati missi*," use of the term, 360.
- "*Legati nati*," use of the term, 360.
- "*Legatus*," used as equivalent to envoy, 39; use of, and distinctions in regard to the word, 359, 360.
- Legnano, battle of, in which Frederick I was defeated, 295.
- Leo, brother of Aëtius, referred to, 110.
- Leo III, the Isaurian, Eastern Emperor, translates the Code of Justinian into Greek, 44; his proscription of the sacred images, 65; loss of his fleet sent to reduce Italy, 68; his death, 75.
- Leo IV, Eastern Emperor, leaves as heir his son Constantine VI under the regency of his mother, Irene, 103.
- Leo I, Pope, referred to, 51.
- Leo III, Pope, his flight, 93, 94; the attack upon, 94; his reinstatement, 94; his entrance into Rome and expurgation, 95; theory that he promised the imperial crown to Charles the Great in exchange for protection, 101; decorates the churches and the Lateran palace with spoil taken from the Huns by Charles the Great, 102; his motive for the coronation of Charles the Great, 106, 107; his triumph, 108; approves the deed of partition of the Empire of Charles the Great, 125.
- Leo IV, Pope, elected and consecrated in disregard of the Constitution of 824, 160; his death, 160.
- Leo VIII, Pope, set up by Otto I in opposition to John XII, 182; his death, 182.
- Leo IX, Pope, set up by Henry III, 204; takes the monk Hildebrand as friend and counsellor, 205; issues the condemnation of simony and the marriage of the clergy, 205; his negotiations with the East and failure of his diplomacy, 206, 207; elevation of character given the Papacy by his work, 210; his death, 210.
- Leon, Kingdom of, its union with Castile, 391.
- Leopold, Duke of Austria, endeavors to punish the Swiss confederates, 411.
- Lesbos, the island of, death of the Empress Irene in, 110.
- Letters of credence, preserved by Cassiodorus the Younger, 39.
- Lewis I, the Pious, Emperor, rules over Aquitaine, 124; succeeds to the entire empire of Charles the Great, 125; his coronation, 127; divides the Empire between his sons and dispossesses Bernard of Italy, 129; marries Judith the daughter of Welf, 129; his contest with his sons, 130; his death, 131; referred to, 257.
- Lewis II, Emperor, succeeds Lothair I as emperor with Italy as his realm, 137; false rumor of his death causes rivalry for the imperial succession between Charles the Bald and Lewis the German, 146; his correspondence with the Eastern Emperor, 148; assigned the Kingship of Italy by Lothair I, 159; his attitude toward and conflicts with the Papacy, 159; his death, 148.
- Lewis the German, assigned Bavaria by his father, 129; his strife with Charles the Bald, 137, 138; invades France and occupies the palace at Attigny as king, 138; calls a conference of bishops at Reims to legalize his acts of usurpation, 138; invades France a second

- time and occupies Attigny, 149; his death, 150.
- Lewis the Younger, son of Lewis the German, defeats Charles the Bald, 150; a candidate for imperial honor, 165.
- Lewis, son of Duke Boso, called Lewis of Provence, acquires Arles, or Lower Burgundy, 153; a contestant for the imperial crown, 170.
- Lewis the Child, King of Germany, referred to, 170.
- Lex Gabinia*, referred to, 11.
- Liberti*, as a class in the Roman Empire, 8.
- "*Libri Carolini*," of Charles the Great and his party, sent to Pope Adrian I, 105.
- Liège, the treaty of, 137.
- Limousin, granted to the King of England, 388.
- Littré, on "the government of souls," 21.
- Liutprand, Bishop of Cremona, his significant remark in regard to the Papacy and Italian politics, 176; his mission to Byzantium and his account of it, 183, 184, 185, 186.
- Liutprand, King of the Lombards, 58; his design to annex the Italian peninsula, 65; his invasion of the Exarchate of Ravenna, 65; his peace and alliance with the Eastern Emperor, 66; confession of his fault to Pope Gregory II, 66; his negotiations with Pope Zacharias, 75; humbles the Duke of Spoleto, 75; restores four cities and other valuable property to the Papacy, 75; his death, 76.
- "*Logothete*," official at the court of the Eastern Emperor in connection with foreign ambassadors, 208.
- Lombard conquest, the, effects of, in Italy, 254.
- Lombard League, the, its relation to Pope Alexander III, 291; its representation at the Congress of Venice, 298; referred to, 309; disposed to form close relations with Pope Innocent III, 317; its renewal for twenty-five years, 337; war of Frederick II against, 345.
- Lombards, the, take the place of the Huns, 31; protection of ambassadors in the code of, 40; destruction of the Roman law by, 44; in Italy, 57; established in Noricum by Justinian, 57; make Pavia their capital, 57; accept the Catholic faith, 57; their struggle with the Eastern Empire for possession of Italy, 58; confined to the valley of the Po after defeat by Pippin, 85.
- Lombardy, ruled over by Pippin, son of Charles the Great, 124; brought under the control of the Papacy by Hildebrand, 213, 214.
- "*Lords*," in England, referred to, 406.
- Lothair, Cardinal, of the family of Segni, becomes pope as Innocent III, 312.
- Lothair I, Emperor, referred to, 128; made co-emperor with his father, 129; becomes emperor, 131; his contest with his brothers, 131 132; his territory, as assigned by the Treaty of Verdun, 133; lack of strength and unity in his realm, 133, 134; sent to Rome (when co-emperor) by his father to negotiate with Pope Eugenius II and the Roman people concerning jurisdiction over that city, 157, 158; his death and the partition of his territories, 137; reference to his capitulary of 825 creating a system of public instruction for Italian cities, 259.
- Lothair II, Emperor, of Supplinburg, Duke of Saxony, is crowned King of Germany, 264; joins forces with Pope Innocent II, 265; receives the imperial crown, 266; receives from the Pope possessions of the Countess Matilda, 266; his work and his death, 268.
- Lothair, King of France, subdued by Otto II, 188, 189.
- Lothair II, King of Lotharingia, son of the Emperor Lothair I, inherits Lotharingia from his father, 137; his diplomacy, 140; cedes territory to his brothers Charles of Provence and Lewis II, 140, 141; his divorce of Teutberga becomes a European question, 142; his marriage to Waldrada, 142; his death, 145.
- Lotharingia, referred to, 380.
- Louis II, the Stammerer, King of France, succeeds Charles the Bald, 151; a possible candidate for imperial honor, 165; refuses the offer of the imperial crown from Pope John VIII, 166; his death, 151.
- Louis IV, King of France, referred to, 187.
- Louis VII, King of France, repudiates Eleanor of Aquitaine, 383; conquers the barons about Paris and increases his control, 383, 384.
- Louis IX, Saint Louis, King of France, attempts mediation between Pope Innocent IV and Frederick II, 348; his crusade in Egypt referred to, 354; negotiates treaty of peace of 1259 with Henry III of England, 387, 388; his character, policy, and influence, 389; his devotion to crusades, 390; referred to as a mediator between sovereigns, 390; his death, 390.

- Louis X, King of France, accords liberty to serfs of the crown in 1315, his memorable words, 372, 373.
- Lucca, referred to, 261; Consul of, member of the parliament at St. Genesio which formed the Tuscan League, 312.
- Lucera, colonization of the Arabs at, 336; the life of Frederick II at, 336.
- Lucerne, its accession to the Swiss League, 411.
- Lucerne, Lake of, called "Lake of the Four Cantons," referred to, 409.
- Lucius II, Pope, referred to, 273.
- Ludolf, son of Otto the Great, comes into possession of Suabia, 173.
- MACEDONIA, ambition of, 2.
- Machiavelli, his significant remark about papal policies, 358.
- Macon, in Burgundy, referred to, 203.
- Magdeburg, referred to, 174, 175.
- Magister officiorum*, see Master of ceremonies.
- Magna Charta, condemned by Pope Innocent III and King John of England, 331; receives its final form and confirmation in 1225, 387.
- Magyar invasions, referred to, 256.
- Maine, united with Normandy and Anjou by Henry Plantagenet, 382; comes under Philip Augustus of France, 387.
- Mainz, seized by Charles the Bald, 150; general assembly at, condemns Pope Gregory VII, 222; a diet of princes at, declares against Gregory VII, 228.
- Mainz, Archbishop of, his selection of Conrad the Elder as King of Germany, 196, 197; a member of the Electoral College of the Empire, and chancellor, 351.
- Malek-Kamel, Sultan of Egypt, his negotiations with Frederick II, 339, 340.
- Manfred, illegitimate son of Frederick II, becomes master of Sicily and maintains ascendancy in opposition to popes Innocent IV and Alexander IV, 350; is killed in the battle of Grandella, 351; his fate avenged, 355.
- Mantua, council at, condemns Honorius II and recognizes Alexander II, 215.
- Manuel I, Eastern Emperor, negotiates with Pope Adrian IV, 283; referred to, 293.
- Marcomanni, tribe of, in league with the Quades, 25.
- Margaret, sister of Philip IV, marries Edward I of England, 394.
- Marius, drives out the Teutons and Cimbrians from Roman soil, 24.
- Maritime law, birth of, 362; the "Tables of Amalfi," 362.
- Marozia, Roman woman, aided by her mother, intrigues, dominates the Papacy, and causes one of her sons to be made pope as John XI, 177.
- Marriage among the clergy, 194; opposed by Cluny, 204; defended by Guido, Archbishop of Milan, 214; forbidden by synod at Milan, 214; declared against by synod at Piacenza, 235.
- Martel, Charles, receives the keys of St. Peter's tomb from Pope Gregory III, 70; becomes Mayor of the Palace in Austrasia, 70; his victories, 71, 72; his death, 74.
- Martin I, Pope, his election not recognized by the Eastern Emperor, 64; is exiled, 64.
- Martin IV, Pope, the mere creature of Charles of Anjou, 355; his death, 356; reference to his offer of the crown of Aragon to Charles of Valois, 393.
- Martinus, learned doctor of Bologna, counsels Frederick I, 288.
- Master of ceremonies, at the barbarian courts, 40.
- Matilda, Countess, inherits vast estates adjacent to papal territory, 211; made captive by Henry III, is released and becomes a friend of the Papacy, 211; presents all her estates in Italy and Lotharingia to the Pope, 228; renewed bequest of all her possessions to the Papacy at her death, and legal questions involved, 247; her allodial possessions given to Lothair II by Pope Innocent II, 266; referred to, 316, 319, 326, 328, 332, 346; the cession of her inheritance to the Holy See revoked by Frederick II, 338.
- Matilda, daughter of Otto the Great, made Abbess of Quedlinburg, 175.
- Mayors of the Palace, growing power and influence of the, 56; commencement of their power under Clothar II, 70.
- Mediterranean, a highway of nations, 2.
- Melfi, in Apulia, synod at, 213.
- Memleben, referred to, 187.
- Merovingian dynasty, takes its name from Merovius, 56; decay of the, 70.
- Merovius, gives name to the Merovingian dynasty, 56.
- Mersen, the Treaty of, 137; the partition of, 144.
- Mesopotamia, acquired by Trajan, renounced by Hadrian and recovered by Marcus Aurelius, 3.
- Metz, negotiations at, leading to the Treaty of Verdun, 132; synod at,

- prior to the Peace of Coblenz, 139; council at, sanctions the divorce of Teutberga, 143.
- Michael I, Eastern Emperor, succeeds Nicephorus I, 126.
- Michael VII, Eastern Emperor, seeks aid against the Saracens, 218.
- Michael VIII, Palaeologus, captures Constantinople and restores the Greek Empire, 353, 354.
- Migrations of the barbarians, the, cease with their occupation of the Empire, 41.
- Milan, the Edict of, 19, 20, 21; its schools of liberal arts in the tenth century, 259; its alliance with Pavia for mutual defence, 263; its pretensions, 264; its difficulties composed by Bernard of Clairvaux, 267; its revolt, 289, 290; its destruction by Frederick I, 290.
- Military power, the fiscal basis of, 373.
- "*Ministers plenipotentiary*" and "*ministers resident*," use of the terms, 360.
- Missi dominici*, their functions in the Empire explained, 118; referred to, 256.
- Missus*, used as equivalent to envoy, 39; distinctions in regard to the word, 359, 360.
- Moesia, subjugation of, 3.
- Mohammedanism, its contest with Christianity, 63; strong in Spain, 391.
- Monarchies, the national, rise of, 365; feudal character of, 366; founded upon the "Third Estate," 377; reorganization of, 406.
- Monasticism, its spread in the West in the sixth century, 58.
- Money, the right to coin, appropriated by the kings, the debasing of coinage, 374.
- Montebello, the armistice of, 293.
- Monte Casino, monastery at, 81.
- Monte Mario, referred to, 180; Henry V encamps with his army at, prior to his coronation, 241; Otto IV encamps at, 328.
- Montesquieu, on the barbarian invasions, 25; referred to, 111.
- Montpellier, law school of, referred to, 393.
- Monza, bestowment of crown of Lombardy at, 264.
- Moorish occupation in Spain, influence of, the, 391.
- Moors, their conquest by Ferdinand and Isabella referred to, 378.
- Moravia, referred to, 200.
- Morgarten, battle of, 411.
- Morosini, Thomas, made Patriarch in the East by the Venetians, 324; referred to, 326.
- Moses, the rod of, referred to, 208.
- Moslem, the, driven out of Provence by Charles Martel, 73.
- Mount Coelius, referred to, 231.
- NAPLES, under the rule of the House of Anjou, 356; aided by the Pope and the King of France to resist Henry VII, 417.
- Naples, University of, founded by Frederick II, 374.
- Napoleon I, his reverence for Charles the Great, 127.
- Narbonne, Archbishop of, presides over assembly which adopts the truce later called the "Truce of God," 201.
- Narni, referred to, 196, 348.
- Narses, victories of, 43.
- Nationality, seeds of, in the barbarian occupations, 41.
- Navarre, referred to, 391; claimed by Philip III, of France, 392.
- Nazareth, restored to the Christians, 340.
- Neapolis, Frederick II encamps at, 340.
- Nepos, Julius, Emperor, deposition of, 31; reception of his ambassadors by Zeno, 32.
- Neri*, a division of the Guelfs, 357.
- Neuchâtel, Conrad II crowned King of Burgundy at, 199.
- Neustria, its union with Burgundy and Austrasia, forming the Frankish monarchy, 55; ruled over by Charles, son of Charles the Great, 124.
- Nicaea, the Council of, in 325, 20; ecumenical council at, 50; council in 787, 104; Michael Palaeologus crowned emperor at, 353.
- Nicephorus I, Eastern Emperor, raised to power by the iconoclasts, 110; his relations with Charles the Great, 119, 120; defeated by the Bulgarians and falls in battle, 126.
- Nicephorus II, Eastern Emperor, his reception of Liutprand, Bishop of Cremona, 184, 185; his assassination, 186.
- Nicholas I, Pope, deals with the divorce question of Lothair II and Teutberga, 142; his triumph, 143; exposes the fraud of the council at Metz, 143; his death, 144; referred to, 161.
- Nicholas II, Pope, elected at Siena, enters Rome in triumph with Hildebrand as chief minister, 212; his death, 214.
- Nicholas III, Pope, obtains a donation of territory to the Holy See from Rudolf of Hapsburg, 354; his large plan for the division of the Empire into parts under the headship of the Papacy, 355.



- Nicholas IV, Pope, referred to, 395.
- Nicolas, Cardinal, conducts the coronation of Henry VII in the Lateran, 415.
- Nobility, its relation to the kings, 377; the orders of, 378, 379.
- Noblesse de robe*, the, new aristocracy of, asserts itself, 406.
- Nogaret, William, adviser of Philip IV, 393; leads an attack upon Pope Boniface VIII at Anagni, 401.
- "*Nonce*," use of the term, 360.
- Noricum, subjugation of, 3; Lombards established by Justinian in, 57.
- Norman conquest, 381.
- Norman islands, granted to the King of England, 388.
- Normandy, Duchy of, referred to, 380; united with Anjou and Maine by Henry Plantagenet, 382; won by Philip Augustus, 386, 387.
- Normans, invasion and settlement in Italy of the, 162; their strength in Southern Italy, 205; struggle of Pope Leo IX against the, 205, 206; alliance of Pope Nicholas II with the, 213; deliverance of Pope Gregory VII by the, 232.
- Norway, King of, rejects the offer of the imperial crown, 349.
- Notre-Dame, at Paris, burning of the papal bull "*Ausculat Fili*" in, 399.
- Novara, joins other cities in opposition to Milan, 264.
- "*Novels*" of Justinian, referred to, 44.
- Nuntii apostolici*, use of the term, 360.
- "*Nuntio*," use of the term, 360.
- Nuntius*, used as equivalent to envoy, 39; distinctions in regard to the word, 359, 360.
- Nuremberg, assembly at, invites Frederick II to be King of Germany, 329.
- OBELLERUS, Venetian tribune, appeals to Charles the Great, 122.
- Octavian, son of Alberic, becomes ruler of Rome, and finally pope as John XII, 177.
- Oder, the banks of, referred to as being the home of the Lombards in the second century, 57.
- Odoacer, chief of the mercenaries, sends the imperial insignia to Constantinople and asks to be named patrician, 31; his administration in Italy, 32, 33; referred to, 34, 253, 254.
- Oppenheim, Henry VI endeavors to oppose assembly at, but signs a convention promising obedience to the Apostolic See, 222, 223.
- "*Orator*," use of, and distinctions in regard to the word, 359, 360.
- "*Ordinatio*" of 817, concerning the imperial succession, 147.
- "*Ordo Coronationis*," referred to, 220.
- Orestes, invests his son Romulus Augustus with the purple, 31; referred to, 33.
- Orléans, synod convoked at, by Clovis, 54.
- Orsini, family of, from which came Pope Nicholas III, 354; referred to, 356.
- Orvieto, Benedict XI seeks refuge at, 402.
- Ostia, Cardinal Bishop of, a member of the College of Cardinals, 212; assists in coronation ceremony, 220.
- Ostrogoths, Kingdom of the, 34. See also Goths.
- Oswin, King of Northumbria, converted by the monk Wilfrid, 62.
- Otto, Duke of Bavaria, aids in conspiracy to capture young Henry IV, 215.
- Otto I, Emperor, called the "Great," his accession, 172; his policy of expansion, 173; his use of the Church, 174; discovers his limitations, 175; his first expedition into Italy, and marriage with Adelaide, 177; his second expedition into Italy, 178; his compact with Pope John XII and coronation as emperor, 179, 180; the "*Privilegium*" of, 180, 181; his confiscation of the Papacy, 182; puts down rebellion in Italy, restores Pope Leo VIII, captures Berengar and Pope Benedict V, 182; his empire, 183; his last days and death at Memleben, 187.
- Otto II, Emperor, chosen King of Germany, 179; his proposed marriage with Theophano, daughter of the Eastern Emperor, 183; consummation of the marriage, 186; his efforts during his reign, 188; his death at Rome, 189.
- Otto III, Emperor, his ideals, 189; his coronation as emperor, 190; his partnership with Pope Sylvester II, 190; makes his imperial residence at Rome and introduces Greek customs, 191; the collapse of his power, 191; his death, 192.
- Otto IV, Emperor, referred to as a claimant for the imperial crown, 320; his ten years' war with Philip II in Germany, 320; referred to, 321; appeals to Pope Innocent III for the imperial crown, 325; his coronation as emperor and rupture with Innocent III, 327; breaks his vows to Innocent III, oc-

- cupies Central Italy, and enters into the inheritance of the Countess Matilda, 328; his deposition, 329; his defeat in the battle of Bouvines and loss of influence in Germany, 329; his death 333; reference to his alliance against Philip Augustus of France, 386.
- Otto of Luneburg, refuses the Kingdom of Germany at the hand of Pope Gregory IX, 342.
- Ottocar, King of Bohemia, proposed as "King of the Romans," but is opposed, 351.
- Oxford, the University of, school of Roman law founded at, by Vacarius, 376; insists upon the principle of freedom of teaching, 376.
- PADERBORN, Pope Leo III meets Charles the Great at, 94.
- Palaestrina, Cardinal Bishop of, a member of the College of Cardinals, 212; the destruction of the town, 397.
- Palatine, the, referred to, 231.
- Palermo, the mission of the Archbishop of, to Cairo, 339; Frederick II entombed at, 350; Aragonese dynasty established at, 356.
- "Pandects" of Justinian, 43; referred to, 288.
- Pandulf, Cardinal, his secret mission to the Tuscan cities, 311; inquires of Pope Innocent III to know his attitude toward the league, 315; receives a reply of disapproval, 316; as papal legate, receives the acknowledgment of vassalage to the Papacy from King John of England, 330.
- Pandulph, his negotiation of marriage between Otto II and Theophano, 186.
- Pannonia, subjugation of, 3; invasion by the Lombards and Avars of, 57; referred to, 121.
- Papacy, the, rise of, 50; growth of, 59; its relations with the Empire, 115, 116; its advantage in being able to invoke the aid of the foreigner when needed, 162; its weakness in 882, and the succession of fifteen feeble popes in the following thirty years, 170; its confiscation by Otto the Great, 182; its conflict with the Empire, 194; its abasement, 194; its degradation after the death of Sylvester II and the absorption of its power by the House of Tusculum, 201; its regeneration, 203; its rescue by Hildebrand, 211; recovers control of Lombardy under Hildebrand, 213, 214; its triumph after the Concordat of Worms, 247; its domination under Innocent III, 309; the theory of, as held by Innocent III, 314; its relation to the Empire at the time of Innocent III, 319; its effort to Latinize the East and destroy Greek schism, 324; the attitude of Frederick II toward, 331; its rupture with Frederick II, 336; its opposing ideas to the Empire, as held by Gregory IX, 343, 344; its policy after the conquest of Sicily by Charles of Anjou and its requirements of him, 351; its relation to the kings, 379; left to arbitrate between Philip IV and Edward I, 395; its relation to France, 399; its confiscation by France, 403; its period at Avignon, known as the "Babylonian Captivity," 404.
- Papal elections, the "Decree of 1059" concerning, 212.
- Papal loans, 405.
- Papal missions, 61.
- Papal monarchy, nature of the, 318.
- Papal State, the, referred to, 317, 318, 354.
- Paris, referred to, 380, 387; University of, 386; treaty of, in 1259, 387, 388, 389; law school of, 393.
- Parthians, referred to, 8.
- Partition of 806, the, 123.
- Paschal, nephew of Pope Adrian I, leads an attack upon Pope Leo III, 93, 94.
- Paschal I, Pope, crowns Lothair I co-emperor, 157.
- Paschal II, Pope, his transaction with Henry V, 239; captured by Henry V, in St. Peter's Church during the coronation ceremony, 242; repudiates his compact with Henry as made under compulsion, 243.
- Paschal III, Antipope, set up by Frederick I, referred to, 292.
- Paterno, referred to, 192.
- Pater patratu*s, functions of the, 9.
- Patriarchates, enumeration of the, 22.
- Patrician, title of, assumed by Odoacer, 31.
- Patrimony of St. Peter, its growth, 60; referred to, 285; as built up by Pope Innocent III, 319; referred to, 321, 332, 346.
- Paul I, Pope, his accession, 85; his relations with Pippin, 86; intimidated by Desiderius to make concessions, 86; his secret communication with Pippin, 86; his death, 87.
- Pavia, made a capital by the Lombards, 57; the siege and fall of, 90, 91; a seat of intellectual influence at the end of the seventh century, 254; its alliance with Milan for mutual defence, 263; its opposition to Milan, 264.
- Pax Romana*, nature of the, 15.

- Peace of 1259, the, 387; its real nature, 388; the dissatisfaction of both the English and the French with, 388, 389.
- Peckham, John, Archbishop of Canterbury, his complaint against the Peace of 1259, 388.
- Pelagius II, Pope, sends Gregory to the Eastern Emperor, 60; his death, 60.
- Penalties for the murder of an ambassador, 39, 40.
- Pentapolis, its donation to the Holy See by Pippin, 354.
- People, the, as the ultimate source of authority, 14.
- Perigord, granted to the King of England, 388.
- Perpignan, referred to, 393.
- Persian monarchy, encroachments of, 42.
- Perugia, its purpose to join the Tuscan League defeated by Innocent III, 320, 321; Benedict XI seeks refuge at, 402; meeting of cardinals at, 403.
- Peter II, King of Aragon, battles against the Moors in Spain and receives the crown of his kingdom from the Pope, 327.
- Peter III, King of Aragon, invited to become King of Sicily, 355; referred to, 392.
- Peter the Hermit, depicts the outrages of the Holy Places, 236.
- Peter, King of Hungary, set up by Henry III, 200.
- Peter of Murrone, becomes pope as Celestine V, 395.
- Peter, Saint, see Saint Peter.
- "*Pfahlbürger*," the term explained, 372.
- Philip I, King of France, claims right of investiture and is denounced by Pope Gregory VII, 233.
- Philip II, King of France, called "Augustus," referred to, 310; defeats Otto IV in the battle of Bouvines, 329; his alliance with Frederick II, 332; his accession to the throne, 384; his grand idea of the restoration of France to power, 385; his pledges to Richard Coeur de Lion and crusade in the Holy Land, 385; his claim to Angevin lands, 386; gives new charters to cities, 386; gains control of Flanders, Normandy, Touraine, Anjou, Maine, and Poitou, 387.
- Philip III, King of France, called the "Hardy," referred to, 390; his adventures in Spain, 392; gains possession of various provinces, 392; his death, 393.
- Philip IV, King of France, called the "Fair," his policy, 393; his aggressions and war with Edward I, 394; prohibits the exportation of money from his realm, 398; his conflict with Pope Boniface VIII, 399, 402; his compact with Pope Clement V, 403; his confiscation of the Papacy, 403, 404; his recognition of the "Third Estate," 406; forces feudal money out of issue, 407; attaches the interests of Franche-Comté to France, 407; his ambition for the imperial crown, 408.
- Philip of Suabia, called Philip II, receives Tuscany and marries Irene, daughter of Eastern Emperor, 310; tyrannizes over Central Italy, 311; is driven out of Tuscany, 312; a claimant for the imperial crown, 320; his ten years' war with Otto IV in Germany, 320; his appeal to Pope Innocent III for the imperial crown, 325; his murder, 327.
- Phocas, Eastern Emperor, receives the homage of Pope Gregory I, 61; proclaims superiority of the Bishop of Rome over the Patriarch of Constantinople, 64.
- Photius, Patriarch of Constantinople, his restoration to favor, 169.
- Piacenza, synod at, declares against simony and clerical marriage, 235; opposes Milan, 264.
- Pierleoni, Peter, secures election as Pope Anacletus II and holds possession of Rome, 265.
- Pippin the Elder, Count of Landen, in association with Arnulf, Bishop of Metz, becomes counsellor to Dagobert, 70.
- Pippin the Younger, father of Charles Martel, Mayor of the Palace and virtual ruler of the Franks; his work, 71; sends Willibrord and Suibert as missionaries to Germany, 71; referred to, 174.
- Pippin the Short, son of Charles Martel and father of Charles the Great; succeeds to power with his brother Carloman, 74; appeals to the Pope to sanction his act of usurpation, 77; becomes King of the Franks, 77; meets Pope Stephen II on his journey and pays him homage, 80; becomes defender of the Church, 80; his negotiations with Astolf, 81; places Carloman in a monastery at Vienne, 81, 82; marches against Astolf, 83; again marches against Astolf, 84; informs envoy of the Eastern Emperor that he will restore Italian possessions to the Pope, not the Emperor, 84; his donation lays the foundation of the temporal sovereignty of the Pope, 84, 85; made "Patrician of the Romans" by Stephen II, 86; his death, 88.

- Pippin, son of Charles the Great, is apportioned a part of the Empire, 123, 124; his death, 125.
- Pippin, son of Lewis the Pious, is assigned Aquitaine, 129; his death, 130.
- Pippin, grandson of Lewis the Pious, is disinherited, 131; renders aid to the Emperor Lothair I, 131; returns defeated to Aquitaine, 131; his kingdom given to Charles the Bald, 133.
- Pisa, the promise of Henry IV to the inhabitants of, 258; referred to, 261; council in 1135 at, 267; attached to the cause of Henry VI, 309; its close relations with the Emperor, 312; its refusal to join the Tuscan League, 313; the negotiations of Pope Innocent III between the Tuscan League and, 316; its continued opposition to the Pope and the league, 320; its maritime importance, 322; the obsequies of Henry VII at, 417.
- Placentinus, introduces instruction in Roman law in France, 376.
- Plantagenet, name of ruling family in England; Henry, Count of Anjou, unites Normandy, Anjou, and Maine, marries Eleanor of Aquitaine, and becomes king as Henry II, 382; referred to, 385.
- Plèbes*, as a class in the Roman Empire, 8.
- Plectrudis, her imprisonment of Charles Martel, 71.
- Pliny, his works referred to, 259.
- Po, the, river, referred to, 234.
- Podestà*, local ruler, his authority, 358.
- Poggibonsi, permitted to enter the Tuscan League, 312.
- Poitiers, falls to Philip III of France, 392.
- Poitou, comes under Philip Augustus of France, 387.
- Poland, does homage to Otto the Great, 187; the authority of Pope Gregory VII felt in, 233, 234; does homage to Lothair II, 268; asks protection or mediation of the Pope, 330.
- Political centralization, the general causes of, 366.
- Ponthion, council of, report of the election of Charles the Bald read at the, 163.
- Pontifex maximus*, 5.
- "Poor Men of Lyons," in connection with Peter Valdez spread heresy and create opposing religious sects, 250, 251.
- Pope, the, as a temporal sovereign, 85.
- Popes, the, their residence away from Rome, 404, 405. See Papacy.
- Porta Castelli, referred to, 219.
- Porto, Cardinal Bishop of, a member of the College of Cardinals, 212.
- Portugal, a vassal of the Holy See, 330; together with Spain leads in forming orders of nobility, 378; referred to, 391.
- Praefectus praetorio*, 5.
- Praefectus urbi*, 5.
- Praetor perigrinus*, 12.
- Praetor urbanus*, 12.
- Praetors*, 6.
- Pragmatic Sanction of 1269, by Louis IX, 389.
- Praxedis, wife of Emperor Henry IV, escapes from prison to the Countess Matilda, 235.
- Prefect of the City of Rome, his authority, 108.
- Prefectures, division of the Roman Empire into four, 16.
- Primicerius, the, referred to, 87, 220.
- Privilege of 817, granted by Lewis the Pious, its relation to the "Privilegium of Otto I," 181.
- "Privilegium of Otto I," the, referred to, 180, 181.
- "Privilegium Scholasticum," the, fundamental charter of the universities, 289.
- Probus, Emperor, defends the Roman Empire from the barbarians, 25.
- Prostration and kneeling of ambassadors, 41.
- Protection of ambassadors in the barbarian kingdoms, 39, 40.
- Protestant reformation, referred to, 251.
- Provinces in the Roman Empire, number of, 3; government of, 7.
- Pufendorf, on the legality of the election of Charles the Great, 112.
- QUADES, tribe of, in league with the Marcomanni, 25.
- Quedlinburg, monastery of, referred to, 175.
- Quercy, granted to the King of England, 388.
- Quierzy, conference of French bishops at, 138; the Capitulary of, 151.
- Quinquagesima, referred to in connection with the Truce of God, 271.
- Quirinal, a part of Rome, referred to, 102.
- RADIGAISUS, leads an invasion of the Roman Empire, 30.
- Raetia, subjugation of, 3.
- Raspe, Henry, Landgrave of Thuringia, chosen "King of the Romans," 349; his defeat and death, 349.



- Ratchis, Duke of Friuli, becomes King of the Lombards, 78; renews war against the Eastern Empire, 78; renounces his crown at the word of the Pope, 78; leaves the monastery to contest possession of the Lombard throne, 85; is suppressed by the Pope, 85.
- Ravenna, Exarch at, placed over the Italian domain of the Eastern Empire, 57; Exarch at, authorized by the Eastern Emperor to confirm the election of the Pope, 64; Exarchate of, donated to the Holy See, 354.
- Reception of ambassadors, in the barbarian kingdoms, 40; at Byzantium, 40.
- Regensburg, referred to, 179.
- Reims, coronation of Lewis the Pious at, 128; conference of bishops called by Lewis the German at, 138; synod at, inspired by Cluny supports Pope Leo IX, 205.
- Religion in the Roman Empire, 18.
- Remigius, Bishop of Reims, his connection with the conversion of Clovis, 52.
- Remigius, Frankish ambassador, makes a treaty with Desiderius, 87.
- "Republic of the Romans," referred to, 85.
- Rex*, title used by the barbarian kings, 34.
- Rhine, the river fortified against barbarian invasion, 26; the struggle for the frontier of the, 150; the League of the, its growing commercial interests, 353.
- Richard, Count of Capua, concludes an alliance with Hildebrand and becomes a vassal of the Pope, 213.
- Richard of Cornwall, mediates between Frederick II and Pope Gregory IX, 346; is named as "King of the Romans," 351.
- Richard of England, called "Coeur de Lion," his alliance with Tancred of Sicily, 309; his imprisonment in Germany, 310; is incited against Philip Augustus of France by Emperor Henry VI, 311; his agreement of friendship with Philip Augustus and crusade in the Holy Land, 385; his war against Philip after his captivity in Germany, 385.
- Ricimer, referred to, 33.
- Rieti, referred to, 348.
- Ripen, The See of, established in the Danish march by Otto I, 174.
- Robert, grandson of Charles of Anjou, married to Violante of Aragon, 356.
- Robert, King of France, his alliance with Emperor Henry II, 196; appealed to for aid by the Italian nobility against the Germans, 198.
- Robert, uncle of Otto the Great, made Archbishop of Trier, 175.
- Roger II, King of Sicily, his alliance with the antipope Anacletus II, 265; his alliance with Pope Innocent II, 272.
- Roland, Cardinal, referred to, 283; becomes pope as Alexander III, 291.
- Rollo the Viking, referred to, 205.
- Romagna, revolts against invaders, 317; donation of, to the Holy See by Rudolph of Hapsburg, 354.
- Roman Emperor, the, as military chief, 4; as first magistrate, 4; as appointing power, 5; as *pontifex maximus*, 5; divinity of, 5; instruments of his government, 6; council of, 7; worship of, 5, 18; as the source of law, 14; use of name of, on coins and documents after the fall of the Empire in the West, 32.
- Roman Empire, the, organization of Europe under, 1; character of, 2; expansion of, 2; extent of, 2, 3; social classes in, 8; plutocratic character of, 8; reorganization of, by Diocletian, 16; social crisis of, 17; degeneration of, 17; the Gothic invasions of, 29; its theory maintained when the reality had perished, 32; referred to, 375.
- Roman law, qualities of, 14; codification of, 43, 44; question of its continuity during the Middle Ages, its relation to the Lombard law, and later revival, 253, 254; its influence upon the Lombard cities, 260; Frederick I appeals to, to justify his course, 287; the effect of its revival at the end of the twelfth century, 308; revival of, 374; advantage of, to royal ambitions, 375; is strongly opposed in England, 375, 376; school of, founded at Oxford by Vacarius, 376; instruction in, introduced in France by Placentinus, 376.
- Roman religion, 18.
- Roman Republic, the, extent of, 2; revival of, 272.
- Roman Senate, the, powers of, 4; decadence of, 5; *consulta* of, 6; character of, in the time of Cicero, 11; referred to, 317.
- Romanus II, Eastern Emperor, referred to, 183.
- Rome, an original patriarchate, 22; the problems of, 45; the true centre of influence in Western Europe, 45; the central seat of government, 50; its primacy, 50; its need of a defender, 51; the plague at, 60; remodelled by

- Gregory I, 60; the siege of, by Astolf, 83; growing independence of, 85; anarchy at, 87; its conflict with Constantinople, 109; its antagonism to the Empire, 156; a victim in every age, 156, 157; a sacred republic independent of the Empire, 157; its inhabitants required to choose the code by which they would be judged, 159; the arena of contending factions, 176; division of its nobility, 176; the despotism of Crescentius at, 194; rified by the Normans and Saracens after the rescue of Pope Gregory VII, 232; welcomes Pope Urban II on his return from the council of Clermont after the proclamation of the first crusade, 238; revolution of 1141, followed by a decade of turbulence after the death of Pope Innocent II, 273, 274, 275; placed under interdict by Pope Adrian IV, 278; under the rule of the Gaetani, Orsini, and Colonna families, 356; its empire in Western Europe through the influence of its law, 375; suffers in consequence of the absence of the popes, 404, 405; occupied by Robert of Naples, 414; divided into fortified camps on arrival of Henry VII and the scene of contentions, 414.
- Romulus Augustus, Emperor, invested with the purple by his father, 31; forced to abdicate, 31.
- Roncaglia, referred to, 265; Frederick I holds a diet at, 287.
- Roncy, Count of, recognizes his vassalage to the Pope, 233.
- Roscelin, referred to, 250.
- Rota porphyretica*, a round porphyry stone in the floor of St. Peter's Church, Rome, referred to, 220, 241.
- Rothrude, her betrothal to Constantine VI, 102.
- Roussillon, County of, the convention held in the, 201.
- Royal justice, referred to, 376.
- Rudolf I, of Burgundy, made King of Upper Burgundy, 153; a contestant for the imperial crown, 170.
- Rudolf III, King of Burgundy, his convention with Emperor Henry II concerning the inheritance of his kingdom, 196.
- Rudolf of Hapsburg, referred to, 350; elected "King of the Romans," 352; used as a foil to the imperial aspirations of Charles of Anjou, 354; his donation of territory to the Holy See, 354; referred to, 407; his treatment of the "Forest Cantons" of Switzerland, 410; his death, 410.
- Rudolf, Duke of Suabia, chosen King of Germany at Forchheim, 226; defeats Emperor Henry IV in battle, 229; his death, 229.
- Rugians, the, take the place of the Huns, 31.
- Russia, its embassies to Otto the Great, 187.
- Rusticus, nephew of Pope Gregory VII, aids in defence against the attack of Henry IV at Rome, 231.
- SABINO, Cardinal Bishop of, a member of the College of Cardinals, 212.
- Sacerdotium*, superseded by the *studium*, 406.
- Sacred images, referred to, 67, 104, 105, 106.
- Saint Albans, the beggar of, referred to, 280.
- Saint Amand, his missionary work on the Rhine, 71.
- Saint Ambrose, referred to, 291.
- Saint Angelo, the bridge of, referred to, 328; the Castle of, used as a fortress of defence by Pope Gregory VII against the attack of Henry IV, 229.
- Saint Augustine, referred to, 252, 267.
- Saint Benedict, founds the order bearing his name and erects a monastery at Monte Casino, 58, 59.
- Saint Boniface, his work for the conversion of Germany, 71; cuts down the sacred oak of Woden, 72; his letter to Daniel, Bishop of Winchester, 72; his work for the Papacy, 73; goes to Rome to confer with the Pope and returns to Germany with full powers, 73; establishes papal authority, 74; triumph of, 78; his departure for East Friesland, death at Dokkum and burial at Fulda, 82.
- Saint Christopher, Church of, treaty between the Holy See and the Tuscan League sworn to in the, 312.
- Saint Coelius, monastery of, referred to, 62.
- Saint Denis, Church of, consecration of the dynasty of Pippin in the, 81.
- Saint Emmeran, his missionary work in Bavaria, 71.
- Saint Gall, his missionary work near Lake Constance, 71.
- Saint Genesio, assembly of the Tuscan parliament which formed the Tuscan League at, 312.
- Saint George, the Order of, 378, 379.
- Saint James of Compostella, the Order of, 378.
- Saint Killian, his missionary work on the banks of the Main, 71.

- Saint Louis, appellation given to Louis IX of France, 348.
- Saint Martin, Church of, Clovis assumes the honors conferred upon him by the Eastern Emperor in the, 54.
- Saint Maurice, referred to, 146.
- Saint Mauritius, the altar of, referred to in connection with the coronation ceremony, 220.
- Saint Pancras-before-the-gate, basilica of, coronation of Peter of Aragon in the, 327.
- Saint Peter, legend of, 50; primacy of 50; claims of, 50; the Vicar of, 314.
- Saint Peter, Patrimony of, its growth, 60; referred to, 285, 319, 321, 332, 346.
- Saint Peter's Church, council of Italian bishops concerning the sacred images in, 87; conflict between the Romans and the Franks on the occasion of the reception of Lewis II in, 159, 160; tragic scene at the coronation of Henry V in, 242. See also Coronation.
- Saint Quentin, monastery of, referred to, 139.
- Saint Rufus, monastery of, referred to, 287.
- Saint Rupert, his missionary work in Bavaria, 71.
- Saint Sophia, Church of, referred to, 208, 209, 210, 362.
- Saint Stephen, see Stephen, Duke of Hungary.
- Saint Susanna, mosaic containing portraits of Charles the Great and Pope Leo III placed in the basilica of, 102.
- Saints Stephen and Sylvester, monastery of, near which Pope Leo III was attacked, 94.
- Sala del Collegio, the, at Venice, referred to, 297.
- Salerno, death of Pope Gregory VII at, 232.
- Salic law, protection of ambassadors by the, 39.
- "*Sancta Respublica*," wish of Pope Gregory III to create the, 68.
- San Germano, the peace of, 342.
- San Marco, the Church of, referred to, 296, 301.
- San Miniato, Consul of, a member of the parliament at St. Genesio which formed the Tuscan League, 312.
- Santa Maria in Turri, Chapel of, referred to, 219.
- Saracens, the, their rising power in Western Asia, 63; their invasion of Europe and control of Spain, 63; defeated by Charles Martel, 72; their invasion of, and settlement in Italy, 162; their negotiations with Frederick II, 339; their treaty with Frederick II, 340; the last and only friends of Frederick II, 349; their conquest of Spain referred to, 390.
- Sarmates, the, as Roman *coloni*, 26.
- Savigny, his theory that Roman law was continuous during the Lombard domination in Italy, 253.
- Savonnières, conference of, 142.
- Saxons, the, drive the Salian Franks across the border of the Roman Empire, 28; Kingdom of, 35; protection of ambassadors in the code of, 40.
- Saxony, Duke of, a member of the Electoral College of the Empire, 351.
- Schism of East and West, the, rendered final, 209.
- Schism of the West, the Great, referred to, 405.
- Schleswig, the See of, established in the Danish march by Otto I, 174.
- Schwyz, one of the "Forest Cantons" of Switzerland, 409.
- Scotland, referred to, 381, 382, 383; claimed as a fief by the Pope, 400.
- Segni, family of, from which came Cardinal Lothair who became Pope Innocent III, 313.
- Senate, see Roman Senate.
- Senatorial order under the Roman Empire, 8.
- Septizonium of Severus, at Rome, destroyed by Henry IV, 231.
- Sergius, brother of Christophorus, blinded by Desiderius, 88.
- Sergius I, Pope, defended against Justinian II, 64.
- Sergius II, Pope, elected and consecrated without awaiting the imperial *missi* of Lothair I, 159; his death, 160.
- Servi*, as a class in the Roman Empire, 8.
- "*Sicilian Vespers*," the, and the expulsion of the French, 355; referred to, 392.
- Sicily, the Kingdom of, oppressed by Emperor Leo III, 68; merged in the Empire by the marriage of Henry VI with Constance, 309; necessity of its separation from the Empire, 320; a vassal of the Holy See, 330; a matter of concern to Pope Innocent III, 332; united with the Empire by Frederick II, 333; policy of Frederick II in, 335, 336; invaded by Pope Gregory IX and John of Brienne, 338, 339; referred to, 348; its commercial development under the rule of Frederick II, 353; a rival

- of Venice, 353; the expulsion of the French from, 355; transfer of, to Peter III of Aragon referred to, 392.
- Sickel, Wilhelm, on the legality of the election of Charles the Great, 112.
- Sidon, city and port of, surrendered to Frederick II, 340.
- Siena, election of Pope Nicholas II at, 212; referred to, 261; Consul of, a member of the parliament at St. Genesio which formed the Tuscan League, 312.
- Sigismund, son of the King of the Burgundians, marries a daughter of Theodoric the Goth, 37.
- Signory, the, at Venice, referred to, 298.
- Sion, Bishopric of, ceded to Lewis II by Lothair II, 141.
- "Skrinion Barbaron," or "Bureau of Barbarians," referred to, 207.
- Slavs, the, as part of the barbarian world, 23.
- Social classes in the Roman Empire, 8.
- Social crisis of the Roman Empire, 17.
- Spain, claimed as a possession of St. Peter by Pope Gregory VII, 233; asked by Pope Gregory IX to aid in invading Sicily, 338; together with Portugal leads in forming orders of nobility, 378; practically lost to Christendom for nearly seven centuries, 390, 391; its restoration to Christendom, 391; its civilization influenced by the Moorish occupation, 391.
- Spanish peninsula, its relations to France under Philip III, 390.
- Speyer, seized by Charles the Bald, 150; Conrad III takes the cross at, to lead a crusade, 270.
- Spoleto, alliance of the Duke of, with Pope Gregory III, 68; invasion of, by Liutprand, 69; recovery of by Trasamund, 69; the Duke of, causes discord in Italy, 162; depredations on Rome of the Duke of, in opposition to Pope John VIII, 164; referred to, 346.
- State, the, deification of, in the Roman Empire, 13.
- "States-general," referred to, 406.
- Stephen, King of England, forbids the teaching of Roman law at Oxford, 376; his death, 382.
- Stephen, Duke of Hungary, called St. Stephen, recognized as King of Hungary by Pope Sylvester II, 191; referred to, 198; his vassalage to the Papacy referred to, 233.
- Stephen II, Pope, his popular manifestation before the Church of Santa Maria Maggiore, 79; endeavors to restrain Astolf, 79; his negotiations with Pippin, 79; undertakes to mediate with Astolf for the Eastern Emperor, 80; his journey to Pippin, 80; promises confirmation of the kingship of the Franks to the house of Pippin, 80; his return to Rome, 82; receives the keys of twenty-four cities from Pippin and becomes head of the "Republic of the Romans," 85; his death, 85.
- Stephen III, Pope, his election, and punishment of usurpers, 88; calls a council in the Lateran to insure legal papal elections, 88; his alliance with Desiderius, 88; his death, 89.
- Stephen IV, Pope, crowns Lewis the Pious Emperor at Reims, 127, 128; the crown which he took from Rome afterward referred to as "the crown of Constantine," 123.
- Stephen VI, Pope, condemns the disinterred remains of Pope Formosus, 177.
- Stephen IX, Pope, his election secures Tuscan influence for the Papacy, 211; his death, 211.
- Strasburg, the Oath of, 131; negotiations between Henry V and Pope Calixtus II regarding investiture at, 245.
- Studium*, the, supersedes the *sacerdotium* in influence, 406.
- Suabia, the Duchy of, includes the three "Forest Cantons" of Switzerland, 409.
- Suevians, the, invade the Roman Empire, 30; kingdom of, 35.
- Suidbert, sent as missionary among the Hessians by Pippin, 71.
- Sutri, synod at, deposes Antipope Benedict X, 212; Henry V encamps at, and opens negotiations with Pope Paschal II, 240; referred to, 348.
- Swiss Confederation, the, origin of, 409.
- Syagrius, Kingdom of, referred to, 35, 52.
- Sylvester I, Pope, referred to, 102; alleged recipient of the "Donation of Constantine," 128.
- Sylvester II, Pope, his partnership with Otto III, 190; builds up the interests of the Church, 191; his death, 192.
- Sylvester III, Pope, set up by the Romans, 202.
- Symmachus, chief of the Roman Senate, executed by Theodoric the Goth, 43.
- Syria, Pope Gregory IX incites the Venetians to attack Frederick II in, 339.
- TANCRED, King of Sicily, his opposition to Henry VI and alliance with Richard Cœur de Lion, 309, 310; his death, 310.



- Tarascon, international congress at, 394.
- Tarfa, the monastery of, governed by Lombard laws, 254.
- Taxation, exemption of whole classes from, in the Roman Empire, 17.
- Terno, referred to, 196.
- Teutberga, wife of Lothair II, put away by him, 140; appeals to the Pope, 142; is condemned by Lothair's bishops, 143; referred to, 144.
- Teutonic Order, referred to, 271.
- Teutons, the original habitation of, 23; invasion of the Roman Empire by, 24.
- Theodelinda, Queen of the Lombards, influences them to accept the Catholic faith, 57, 61.
- Theodora, Roman woman, together with her daughter Marozia, dominates the Papacy by intrigue, 177.
- Theodoric, King of the Ostrogoths, joins forces with Julius Nepos, 35; invades Italy, 36; slays Odoacer, 36; conquers Italy, 36; his diplomatic relations, 36; is recognized by the Emperor Anastasius, 36, 37; his alliances, 37; his marriage with Audelfreda, 37; results of his diplomacy, 42; begins the persecution of orthodoxy, 42; the fall of his kingdom, 43; referred to, 253, 254.
- Theodosius I, the Great, Emperor, finally abolishes paganism in the Roman Empire, 21; makes peace with the Goths, 29.
- Theodulf of Orléans, as counsellor to Charles the Great advises against a partition of the realm, 124.
- Theophano, daughter of the Eastern Emperor Romanus II, her proposed marriage with Otto II, 183; its consummation, 186; her death, 189.
- Thionville, conference between Lothair I, Charles the Bald and Lewis the German at, 134, 135.
- "Third Estate, The," class known as, described, 370; becomes the foundation of the national monarchies, 377; recognized in France by Philip IV, 406.
- Thuringia, the Landgrave of, referred to, 338.
- Thuringians, Kingdom of the, 35.
- Tiber, the river, flood of, causes the population of Rome to implore Pope Gregory IX to return to the city, 342.
- Tivoli, referred to, 242; revolt of, 273; its annihilation demanded by the Roman Senate, 275.
- Tortona, council of Pisa, deposes the Bishop of, 267; referred to, 289.
- Toto, causes a revolt in Rome and sets up his brother Constantine as pope, 87.
- Toulouse, the strength of the House of, in the South of France, 384; the inheritance of, 392.
- Touraine, comes under Philip Augustus of France, 386, 387.
- Trade, assumes a new importance under enforcement of law by the royal courts, 377.
- Trajan, Emperor, Roman Empire reaches its maximum area under, 3.
- Trasamund, Duke of Spoleto, his alliance with Pope Gregory III, 63; recovery of his duchy, 69.
- Trasamund, King of the Vandals, marries Amalfreda, 37.
- Trent, proposed meeting at, between Empress Engelberga and Lewis the German, 146.
- Treviso, referred to, 300, 301.
- Tribonian, minister of Justinian, 43.
- Tribur, assembly at, referred to, 223.
- Triclinium*, of the Lateran palace, inquest held in the, exiles Paschal and his conspirators, 94; significant mosaic placed in the, by Pope Leo III, 102.
- Trier, Archbishop of, a member of the Electoral College of the Empire, 351.
- Tripoli, its friendly alliance with Charles the Great, 103.
- "Truce of God," the, referred to, 201, 271.
- Tunis, laid under tribute by Charles of Anjou, 554.
- Turks, the, their establishment in Europe the origin of the Eastern question, 45.
- Tuscan League, the, 312; its purpose different from that of the Lombard League, 313; its operation, 313; the attitude of Pope Innocent III toward, 315; negotiations of Innocent III between Pisa and, 316; maintains the independence of the cities against papal claims of vassalage, 320; the renewal of, against Frederick II, 345.
- Tuscany, discord in Italy caused by the Duke of, 162; its character before and after the time of the Countess Matilda, 261; governed by the Papacy through the Countess Matilda, 261.
- Tusculum, the overthrow of Crescentius by the counts of, 194; possession of the Papacy gained by the House of, 201; the Cardinal Bishop of, a member of the College of Cardinals, 212; the city of, delivered to the vengeance of the Romans by Henry VI, 309.
- Twelfth century, the transitional character of the, 250.

- Tyre, the castle of, surrendered to Frederick II, 340.
- ULPIAN, Roman juriconsult, referred to, 13.
- Umbrian League, is formed and unites with the Lombard League against Frederick II, 345.
- "Unam Sanctam," the bull, by Pope Boniface VIII, 400.
- United States of America, the "legate" or papal representative to the, not diplomatically accredited, 360.
- Universities, the, 374.
- University of Naples, the, founded by Frederick II, 374.
- University of Oxford, the, school of Roman law founded at, 376; insists upon the principle of freedom of teaching, 376.
- University of Paris, the, chartered by Philip Augustus, 386.
- Unterwalden, one of the "Forest Cantons" of Switzerland, 409.
- Uralo-Altaic races, enumeration of the, 23.
- Urban II, Pope, pursues same policy as Gregory VII in antagonizing Henry IV, 234; promotes marriage of the Countess Matilda and the son of Welf, 234; his work, 235; proclaims the first crusade, 235, 236; his great discourse at the Council of Clermont, 236, 237; his death, 239.
- Urban IV, Pope, offers the Sicilian throne to Charles of Anjou, 350; his death, 350.
- Uri, one of the "Forest Cantons" of Switzerland, 409.
- VACARIUS, founds a school of Roman law at Oxford, 376.
- Valdez, Peter, spreads heretical doctrines and gives rise to opposing religious sects, 250, 251.
- Valens, Emperor, slain by the Goths, 29.
- Valentinian II, Emperor, murdered by Arbogastes, 29.
- Valentinian III, Emperor, sustains the Apostolic Chair, 51.
- Vandals, the, received as *foederati* of the Roman Empire, 28; invade the Empire and attack Rome, 30; Kingdom of, 35; followers of the Arian heresy, 37; conquests of, 38; conquered by Justinian, 42.
- Vatican palace, the, death of Pope Boniface VIII in, 402.
- Venaissin, the, its cession to the Papacy by Raymond VII, 392; retaken by Jeanne, daughter of Raymond, 392; bequeathed to Charles of Anjou, 392; ceded again to the Papacy by Philip III of France, 392; a possession of the Holy See, 404.
- Venice, attacked by Liutprand, 66; the conflict for, 121; the character of the Republic of, 121; revolts against the Frankish alliance and is attacked by Pippin, 125; gains its knowledge of diplomacy from the East, 209; the Patriarch of, sent by Pope Gregory VII to negotiate with the Eastern Emperor, 218; the Republic of, 262; sends ambassadors to the court of Lothair II, 268; the Congress of, 295; its proficiency in diplomacy, 296; archives of, 296, 297; choice and reception of ambassadors, 297; proceedings of the Congress of, 298, 299; rejoices on the surrender of Frederick I, 301; the results of the Truce of, 302; the Truce of, referred to, 303; the maritime importance of, 322; the transaction with, for the transportation of crusaders to the East, 323; the expansion of, and the "Latin Empire of the East," 324; Sicily becomes a commercial rival to, 353, 354; "the school and touchstone of ambassadors," 359; the character of its diplomacy, 359, 360, 361.
- Verdun, the Treaty of, 132.
- Victor II, Pope, referred to, 210.
- Victor IV, Antipope set up by Frederick I, 291.
- Vienne, in Burgundy, monastery of, to which Carloman was sent by Pippin, 82; "Kingdom of," referred to as one of the divisions of the Empire, as planned by Pope Nicholas III, 355.
- Violante of Aragon, marries Robert, grandson of Charles of Anjou, 356.
- Visigoths, the, referred to, 29; Kingdom of, 35; followers of the Arian heresy, 37; conquests of, 38. See also Goths.
- Viterbo, counselled to refrain from joining the Tuscan League, 321.
- Volterra, Bishop of, a member of the parliament at St. Genesio which formed the Tuscan League, 312.
- WALDRADA, married and crowned queen, by Lothair II, 140, 142.
- Wales, conquest of, 381.
- War, forms used in the declaration of, by the Romans, 9.
- Welf, Count of Altdorf in Suabia, referred to, 129.
- Welf, Duke of Bavaria, referred to, 234.

- Welf, the House of, growth and ambition of, 39; opposition to, 269; an obstacle to Frederick I, 282.
- "Wef" and "Weiblingen," used as battle cries, 270.
- Wergild*, for the murder of an ambassador under the Salic law, 39.
- Western Empire, see Carolingian Empire Holy Roman Empire of the German Nation.
- West Goths, see Goths and Visigoths.
- "Whites," their quarrels with the "Blacks" at Florence, 398.
- Wilbo, Bishop of Parma, sent by Pope John VIII on a secret mission to Carloman and Charles the Fat, 167.
- Wilfrid, monk, converts King Oswin of Northumbria, 62.
- Willian, Archbishop of Mainz, referred to, 175.
- Willian, Count of Holland, named King of the Romans to succeed Henry Raspe, 349.
- Willian of Champeaux, chosen to represent Henry V in the negotiations with Pope Paschal II, 245; referred to, 250.
- Willian I, Duke of Aquitaine, called the Pious, founds the monastery of Cluny, 203.
- Willian V, Duke of Aquitaine, called the Great, is appealed to for aid by the Italian nobility against the Germans, 198.
- Willian, Duke of Normandy, called the "Conqueror," King of England, accepts alliance with the Papacy but declines to become a formal vassal of the Pope, 233; his conquest of England 381.
- Willian, King of Sicily, negotiates with Pope Adrian IV, 278; repudiates his alliance with Adrian IV and invades Roman territory, 279; becomes a vassal of the Pope, 283; referred to, 295.
- Willibrord, sent as missionary to Germany by Pippin, 71.
- Willigis, Archbishop of Mainz, quells a revolt of Henry the Quarrelsome, 189.
- Winfrid, English monk, see Saint Boniface, 71.
- Wipo, his account of the election of Conrad II, 196.
- "Wisby, Laws of," referred to, 363.
- Wittelsbach, Otto von, Count Palatine, threatens Cardinal Roland, 284.
- Worms, Hincmar and the French bishops visit Lewis the German at, with a treaty of peace, 139; seized by Charles the Bald, 150; council at, condemns Pope Gregory VII, 222; the Concordat of, 246.
- Würzburg, diet at, 310.
- Xenodochium Romanorum*, habitation for foreign envoys, described, 184.
- ZACHARIAS, Pope, reorganizes the Frankish Church, 74; negotiates with Liutprand, 75; his triumphal return to Rome, 76; intercedes for the Emperor Constantine V, 76; restrains Ratchis, King of the Lombards, 78; his death, 78.
- Zara, City of, captured by the crusaders, 323.
- Zeno, Eastern Emperor, asked to name Odoacer patrician, 31; his diplomacy, 32, 35; his tolerance, 43.
- Zimisce, John, Eastern Emperor, offers the hand of Theophano to Otto II, 186.
- Zürich, its accession to the Swiss League, 411.
- Zvonimir, Croatian king, accepts submission to Pope Gregory VII, 233.









MAP II  
SHOWING THE  
BARBARIAN KINGDOMS  
ESTABLISHED WITHIN THE  
ROMAN EMPIRE







**PARTITION  
OF 888**



**TREATY OF  
MERSEN  
870**



**MAP III  
SHOWING THE EMPIRE OF  
CHARLES THE GREAT  
AND THE  
PARTITIONS OF  
843, 870 AND 888**



**PARTITION OF VERDUN  
843**







**MAP IV**  
**CENTRAL EUROPE**  
 ABOUT A.D. 1000  
 SHOWING  
 THE EMPIRE OF  
 OTTO THE GREAT







MAP V  
SHOWING THE  
TERRITORIAL ARRANGEMENT  
OF WESTERN EUROPE IN 1185

-  Dominions dependent on King of France
-  Dominions directly governed by King of France
-  Dominions directly governed by Henry II
-  Dominions dependent on Henry II









